

# Culture Without Context



The Newsletter of the Near Eastern Project of the Illicit Antiquities Research Centre

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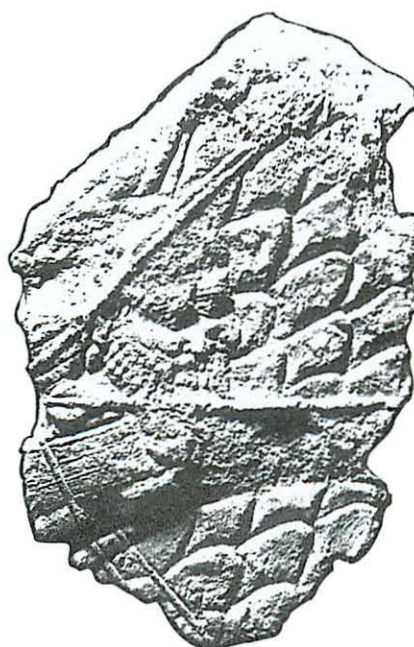
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Correspondence relating to all aspects of the legal and illegal trade in antiquities is welcome; we will make an effort to print reasonable, non-libellous letters. No unsigned letters will be printed, but names will be withheld upon request.

Printed by BluePrint, Severn Place, East Road, Cambridge CB1 1HY. Tel: +44 (0)1223 314315



The Illicit Antiquities Research Centre is a project of the McDonald Institute for Archaeological Research



## Illicit Antiquities Research Centre

The Illicit Antiquities Research Centre (IARC) was established in May 1996, and commenced operations in October 1997 under the auspices of the McDonald Institute for Archaeological Research in Cambridge, England. Its purpose is to monitor and report upon the detrimental effects of the international trade in illicit antiquities (i.e. antiquities which have been stolen or clandestinely excavated and illegally exported). The volume of this trade has increased enormously over the past twenty years and the associated demand is thought to have caused the large-scale plundering of archaeological sites and museums around the world.

The IARC will bring to the attention of the general public the scale and nature of this destruction (see Statement of Intent on back cover). It will also endeavour to create a climate of opinion which will discourage the collection of illicit antiquities by emphasizing that the true scholarly value of an artefact is irreparably damaged by the loss of cultural information which is caused by its unrecorded divorce from context. Thus the primary concern of the IARC will be to reduce the loss of knowledge caused by the chronic despoliation of sites and museums. Issues of object ownership are of secondary interest but are nevertheless frequently an inseparable part of the problem.





## Editorial

The Near Eastern Project, under the umbrella of IARC, will concentrate on acquiring and disseminating information on the illicitly excavated and/or stolen antiquities of the Middle East. The international trade in these items has increased over the last few decades owing to an increased appreciation for Near Eastern antiquities and owing to the disruption caused by various civil and international conflicts; and it was therefore thought appropriate for IARC to begin its program by concentrating on this area. This newsletter will devote each issue to a single country of the Middle East, highlighting the particular difficulties facing that country with regard to the problem of illicit antiquities. In addition, the newsletter will be reporting on wider legal issues involved in antiquities trade, governmental responses, and important illicit objects from other countries, as the need and opportunity arises.

Given that the recovery rate for stolen and illegally exported, yet eminently recognizable, 'fine art' works is only in the range of 5–10 per cent worldwide, one might legitimately ask why we are expending energy in this direction on behalf of antiquities. Rates of recovery for stolen items increase in proportion to the value of the object and its recognizability — these making it more likely on the one hand that their resale will be noticed and on the other hand that prior ownership can be proven immediately. It is paradoxically regrettable that prices for Near Eastern antiquities are relatively low, and their degree of recognizability is also frequently low. This lack of recognizability is to some extent inherent in the objects themselves; it is compounded by the lack of resources in many Middle Eastern museums for the intensive documentation of objects necessary for their easy identification, and for the dissemination of this information should the items be stolen. Thus it may seem that compilation of a register of stolen and illegally exported Near Eastern antiquities and the attempted recognition and recovery of such artefacts could be considered time and energy thrown away. Any registry of stolen antiquities compiled by IARC may overlap with the efforts of other groups (Art Loss Register, International Association of Dealers in

Ancient Art, Scotland Yard Art and Antiques Department, etc.), but what IARC aims to provide is a linkage among those groups, national Antiquities Departments, the academic community, art insurers, and legitimate collectors and sellers of ancient art. We also plan to go beyond the recognition and recovery aspect and to hold up the trade in ancient art for scrutiny, hoping to provide innovative solutions to its inherent problems.

It would be impossible and unfair to call for a complete halt to all trade in antiquities, given that many transactions in this area involve objects that were legitimately removed from their country of origin prior to the 1970 UNESCO Convention. But how to eradicate the damaging trade in illicitly excavated or illegally exported antiquities, without harming the market? The arguments of those who would justify the sale of illegally exported artefacts are ready to hand — primarily that one should not blame the art market and those operating within it for the trade, but the countries of origin themselves, which do not care to or cannot control access to their own cultural property. Our response to this is to recount the constraints on the antiquities departments in most source countries; they often simply do not have the money or staff to properly police sites nor to adequately record the contents of their museums. Laws against illegal excavation and exportation exist in every country of the Middle East, but regrettably, although the will exists it is too often under-supported.

Another prevailing attitude is that purchase of stolen artefacts allows them to be conserved, appreciated, and saved from destruction or oblivion — this is a trickier problem. Our answer stresses that the objects lose value drastically when their context is not known — without the association of a site, a date, an original owner or creator, the significance of the object is greatly reduced.

We must respond to the idea that active promotion of legal trade in antiquities will eradicate the demand for illegally excavated and exported objects. In theory, source countries could sell off 'surplus' or duplicate items, supplying the international demand for antiquities while, again theoretically, reducing the likelihood of illegal excavations and exports. The International Cultural

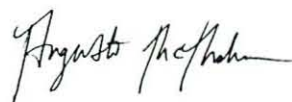


Property Society, through its publication, the *International Journal of Cultural Property*, has often promoted this avenue and has some quite persuasive arguments for it. On the altruistic side, there is the fact that expanded legalized trade would serve as a form of cultural exchange, introducing ancient objects to a wider range of people and creating a greater sense of appreciation for ancient art. While the degree of success this aspect would have may be debatable, on a practical level, it is certainly true that most museums in the Middle East are full of well-excavated and already well-recorded objects which the museums have no space to exhibit, and which many museums and collectors in other countries would be happy to own, have the space to exhibit and, most importantly, have the money to pay for. One can logically argue further in this vein that sale of duplicates would provide the antiquities departments of source countries with the resources necessary to record adequately the objects in their collections which are to be retained, against possible loss. And with the opening up of the market, the incentive for trade in illegally acquired objects could potentially be reduced.

But clearly there would need to be extraordinarily tight controls on this legal trade, including extensive documentation and standardized non-duplicatable export licences. And with increasing numbers of objects on the move, it is possibly more likely than ever that illegally acquired ones could be hidden among them. The illicit market will only collapse if the licit

market can defeat it, not merely compete with it. A host of problems connected with this legal trade can be envisaged: how would the source countries select the pieces they would offer for sale? Would the objects selected as expendable actually be saleable, and would the entire project produce enough revenue to make it worthwhile? A concerted international effort would have to be made to get such a program of sale up and running — and who would fund and organize such a venture?

And what about the role of the original excavators in this legal trade (in the frequent case that the excavators are from a different country than the artefacts)? Whenever this avenue of expansion for the licit trade has been discussed and encouraged, there has been little to no mention of the possible reaction of the excavators themselves. It is often in the excavators' and other scholars' interests to keep as many of the objects from one site or region together, to facilitate post-excavation study; and these interests should not be ignored. Even if removal of an object from a museum store in the source country to an exhibit space in another country means that many more individuals will see it, might the restricted access to the object by scholars and inhabitants of the home country be potentially viewed as more valuable?



A. McMahon  
Editor

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*Culture Without Context* will be published twice yearly. The next issue will appear in April 1998. Subscription details are available from:

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## In the News

In recent months the news has been dominated by the reactions to allegations made by Peter Watson in his book *Sotheby's: the Inside Story*, subsequently televised as part of the C4 Dispatches series. It was revealed that senior members of Sotheby's staff had been aware of smuggled antiquities from Italy and India being offered for sale in London.

In response to a question tabled in the House of Lords the Government re-affirmed its view that the art market should regulate itself and in February Sotheby's named four non-executive directors who were appointed to conduct an internal review of the auction house's working practices.

The need for effective self-regulation was also stressed by Joanna van der Lande, the newly elected chairman of the Antiquities Dealers Association and head of Bonhams antiquities department. In June she reaffirmed the need for responsible sections of the trade to isolate themselves from those who transgress the ADA code of practice and also called for better relations between dealers, museums and academics.

Sotheby's announced in July that they were to end regular antiquities sales in London in order to concentrate their activities in New York. As a result of this decision Oliver Forge, head of antiquities, and Brendan Lynch, head of the Islamic and Indian department, chose to leave the company.

Dubious dealings were also highlighted during the trial of Jonathan Tokeley-Parry, a dealer who first appeared in court in January to deny three counts of handling stolen antiquities. The trial continued sporadically through the first half of the year until June when Tokeley-Parry was found guilty on two counts of handling artefacts looted from Saqqara, including pieces of a false door from the tomb of Hetepka and a bronze figure of the falcon god Horus, but was cleared on a third charge of handling pieces of a false door from the complex of King Pepi. He had previously been sentenced in his absence to 15 years hard labour by an Egyptian court.

Tokeley-Parry had shown a courier how to coat objects in plastic which could then be painted over to disguise them as tourist trinkets, allowing

them to pass through Egyptian customs undetected. The plastic and paint were removed with acetone once the smuggled artefacts were in England. The jury was shown photographs of a damaged head of Amenhotep III, 'restored' by Tokeley-Parry who had arranged to sell it for £850,000 to New York dealer Fred Schulz. In his defence Tokeley-Parry claimed to have bought the objects in Switzerland and Germany, emphasizing again the central role that these countries play in the illicit trade.

This role is set to diminish, however, as the Swiss government is in the process of ratifying both the UNESCO and Unidroit conventions. In protest Ruedi Staechelin has withdrawn his family's collection of modern art from museums in Basel and Geneva and loaned it instead for three years to the Kimbell Art Museum in Fort Worth.

Some of the looted Nineveh reliefs reported in this issue have surfaced in Britain. Dr Prudence Harper of the Metropolitan Museum was sent a photograph of a piece from the palace of Tiglath-Pileser III by the London dealer Mr Robin Symes.

The situation in Afghanistan is a continuing cause for concern. The colossal figure of Buddha in Afghanistan's Bamiyan Valley was threatened by the Taliban commander Abdul Wahid who said that his troops would destroy it if they broke into the area. The Taliban government denied this threat but the present position is unclear. On a more positive note the Society for the Preservation of Afghanistan's Cultural Heritage (SPACH) has recently recovered a number of antiquities which had been looted from Kabul Museum. They include six plaster medallions from the Begram Treasure and two stone seals of Bronze Age date from Shortugai.

Italian police have recently charged Franco Zanetti with selling stolen antiquities from an internet site. Zanetti was offering artefacts from sites in Iran, Turkey, Egypt, Iraq and Lebanon as well as from sites in Italy.

Finally there is the strange report of a bag packed with Egyptian antiquities found at the Unclaimed Baggage Center of Scottsboro, Alabama. The Center deals in baggage which remains unclaimed at airports throughout the United States.



# Iraq Since the Gulf War

## The loss of archaeological context and the illegal trade in Mesopotamian antiquities

McGUIRE GIBSON

The Gulf War of 1991 has had a devastating impact on the archaeology of Iraq. This statement is true although destruction of sites during the war was relatively slight, as far as can be gauged. Bombs dropped into the ziggurat enclosure area at Ur created large craters, about ten metres in diameter and four metres deep, and one strafing run by a plane resulted in four hundred holes in one side of the ziggurat. Use of Tell al-Lahm, to the southeast of Ur, as a position for U.S. troops was accompanied by machine-excitation of several large holes. Probably other tells suffered similar damage, but lacking a systematic study of the war's effect on antiquities, as requested by UNESCO but denied by the UN Security Council, we cannot say for certain. Some standing buildings in Baghdad, Basra, and elsewhere were damaged by shrapnel, and many buildings received structural damage as the result of the continued shaking of the ground during the period of bombing.

The aftermath of the war witnessed the looting and sometimes the burning of nine regional museums and the loss of more than three thousand artefacts, only a few of which have been recovered. The loss of the objects, although grave, was not as destructive as the change that the attacks on the museums will have on the future relationship of museums to the people of Iraq. It is unlikely that there will ever again be an effort at public education about archaeology on the scale that was represented by those regional museums.

The main devastation to archaeology, however, was not the loss of the objects and the damage to the museums, but was, rather, the

halting of almost all archaeological research in the country, along with the gradual loss of control over the sites, and the revival of the illegal antiquities trade. Iraq, in the past five years, has joined the ranks of countries that are routinely robbed of their antiquities.

Since its birth as a nation in 1923, Iraq has had a Department of Antiquities with a model antiquities law and a National Museum. In order to build the museum's collections quickly, foreign expeditions were induced to work in the country for a share in the excavated objects. The choice of which half of the duplicate objects would remain in Iraq was left to the Director of Antiquities, with all unique items going to the Museum. The long-term excavations at Kish and Ur set the pattern and showed how effective the policy was in forming a collection of Mesopotamian artefacts that is second to none.

From its inception, Iraqis were included in the administration and staffing of the Antiquities Department and the Museum, but the sending out of Iraqi students for graduate training in Europe and the U.S. in the 1930s marked the beginning of real control by Iraqis themselves. The excavations at Tell Hassuna and Tell Uqair, carried out during World War II by Taha Baqir, Fuad Safar and others who had returned from abroad, were the beginning of a record of investigation and restoration that has placed Iraq in the forefront of responsible excavation, analysis, and curation of antiquities in the Near East. The continued welcome that was afforded to foreign expeditions and the joint Iraqi/foreign operations (most notably the Hamrin, Haditha, and Eski Mosul Salvage projects) have been examples for other nations to emulate.

During the 1920s there was some legal dealing in antiquities in Baghdad, but by the 1930s the trade was being reduced systematically. Edgar J. Banks, probably the leading American dealer in Mesopotamian antiquities at that time, would routinely mention in letters to clients the increased difficulty in obtaining objects from Iraq due to the strictness of the antiquities law. After



the revolution of 1958, the antiquities trade in Iraq was stopped entirely. Occasionally, through the next two decades, would one hear a rumor of cuneiform tablets, cylinder seals, or other objects on the market in Europe. Clearly, some illegal trade was still going on because there was a continuing dribble of important artefacts finding their way to display cases in major museums. When these museums accepted the UNESCO protocol on cultural property, by which they agreed not to accept artefacts that had left their countries of origin after 1970, such objects would be displayed with a label proclaiming that they were on loan from a named collector.

But the trade in illegal antiquities from Iraq remained a minor one even during the 1980s, when great numbers of objects from Iran, Afghanistan, and other countries were fueling the markets in Europe, America, and elsewhere. Because it had title to all antiquities sites in Iraq, and it had not just guards at major sites but also regional inspectors in all areas, the Iraqi Department of Antiquities was in an enviable situation when compared to its counterparts in neighbouring countries.

With the economic embargo that is still in place, however, the situation in Iraq has changed drastically. The economic hardship that has forced Iraqi individuals to sell off their personal property and then resort to begging or to theft has also forced institutions to make hard choices. The Department of Antiquities has been forced to pare its central staff and that of the National Museum to a skeleton crew, to lay off site guards, and to cut back on automobiles that regional inspectors need to make their rounds and to investigate reported violations of sites. Now, the Department of Antiquities receives reports of dozens of people digging illegally on well-known sites such as Umma and Ur, and of continuing looting of many other sites, especially those in desert areas. Even sites that are major tourist attractions in and near population centres and which are still manned by guards are not safe. Within the past two years, the Department of Antiquities has reported the theft of a slab of sculpture from the palace of Assurnasirpal at Nimrud (ancient Calah), the loss of sculptured items from Hatra, and most recently the removal of a number of relief fragments from the throne room of Sennacherib's palace at Nineveh.

Despite the fact that desert patrols have intercepted small trucks filled with antiquities, and the customs inspectors at the Iraqi-Jordanian border have confiscated enough antiquities to make possible an exhibition in the National Museum, many more objects are being smuggled out successfully.

During the past five years, the number of Iraqi artefacts in the European and American antiquities market has increased dramatically. On a visit to Portobello Road two years ago, I saw Mesopotamian tablets and cylinder seals in several shops. Having been a visitor to Portobello for many years, I can testify that I had never before been aware of Mesopotamian objects there. I found even more and better quality items in the up-scale antiques markets near Bond Street. In one Bond Street shop, I was shown a bag of more than a hundred cylinder seals and received an apology because these were the poorer quality ones; I was told that the best items had been sold to Japanese and Taiwanese collectors a day or two before. Regrettably, in several of the shops I visited, some items (and most usually cuneiform tablets) were accompanied by written authentications, including dating and translation or at least indications of content, signed by well-known British colleagues.

Publicity of the loss of Iraqi antiquities, appearing in *Archaeology* magazine, *The New York Times*, and *International Fine Art Reports*, as well as in the fascicles of *Lost Heritage*, has had some effect on the illegal antiquities market, if only in making some buyers a little more cautious. A large stone statue fragment, with a very important inscription related to a revolt against the Old Babylonian king Samsuiluna, was being offered two years ago by an unnamed dealer in London. Several colleagues who attended an American Oriental Society meeting at that time were shown photographs of the object, and one of these persons discussed the importance of the inscription with me. The object was said to have a provenance that would place it in Switzerland thirty or more years ago, thereby avoiding the difficulties presented by the UNESCO resolutions on cultural property. The dealer was unable to sell the artefact at that time, and now it is being offered again. This time, I am told, the price is greatly reduced and the provenance has been changed; now it is said to have a certificate of export from the Jordanian government. Since the



Jordanian Department of Antiquities has had as strict a rule against the trade in antiquities as Iraq, the certificate is of dubious value.

The brisk trade in smuggled Iraqi antiquities, regardless of the route, has had a very bad effect on the archaeology of neighbouring countries. We hear reports of looted sites in Syria and Jordan. In the past two years, souvenir dealers and rug merchants in Amman, Damascus, and Aleppo offered me a few, poor quality or fake Iraqi antiquities, but they had many more Jordanian and Syrian items. Despite a well-publicized raid on one shop, after a complaint was lodged in an Amman newspaper, the Jordanian Depart-

ment of Antiquities and its counterpart in Syria clearly are beginning to lose the fight against antiquities smuggling. But as long as the smuggling is encouraged and abetted by our professional colleagues, major museums, and those museums' donors who are major collectors, the market will continue and the destruction of archaeological sites will increase.

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## The modern sack of Nineveh and Nimrud

JOHN MALCOLM RUSSELL

The Assyrian came down like the wolf on the fold,  
And his cohorts were gleaming in purple and gold;

(Byron, *The Destruction of Sennacherib*, 1815)

So wrote Byron of the siege of Jerusalem, undertaken by the Assyrian king Sennacherib in 701 BC from Nineveh, capital of the greatest empire the world had ever known. For two and one-half millennia, the only known account of this momentous event was in II Kings:18–19, which reports that Sennacherib's invincible army was laid low by the angel of the Lord, after which Sennacherib returned to Nineveh where he was murdered by his sons. Nineveh itself fell to the Medes and Babylonians in 612 BC, its splendour buried under the shifting dust of northern Mesopotamia.

In 1847 the young British adventurer Austen Henry Layard explored the ruins of Nineveh and rediscovered the lost palace of Sennacherib across the Tigris River from modern Mosul in northern Iraq. Inscribed in cuneiform on the colossal sculptures in the doorway of its throne room was Sennacherib's own account of his siege of Jerusalem. It differed in detail from the biblical one, but confirmed that Sennacherib did not capture the city. This find

generated an excitement that is difficult to imagine today, because amid the increasing religious doubt and scriptural revisionism of the mid-nineteenth century, it gave Christian fundamentalists an independent eyewitness corroboration of a biblical event, written in the doorway of the very room where Sennacherib may have issued his order to attack. The palace's interior walls were panelled with huge stone slabs, carved in relief with images of Sennacherib's victories. Here one could see the king and army, foreign landscapes, and conquered enemy cities, including a remarkably accurate depiction of the Judean city of Lachish, whose destruction by the Assyrians was recorded in II Kings 18:13–14.

Considering that the palace had been destroyed by an intense conflagration during the sack of Nineveh in 612 BC, the massive walls and many of the relief sculptures of Sennacherib's throne-room suite were surprisingly well-preserved. In the 1960s, because of the palace's historical importance and unique preservation, the Iraq Department of Antiquities consolidated the walls and sculptures and roofed the site over as the Sennacherib Palace Site Museum at Nineveh, where visitors could tour the remains, one of only two preserved Assyrian palaces in the world (Figs. 1 & 2). (The other is the palace of Assurnasirpal II at Nimrud, Iraq, also restored as a site museum.) The four restored rooms of the throne-room suite contained some 100 sculptured slabs in various states of preservation. In two of these rooms, parts of nearly every slab survived, mak-



ing these the most completely preserved decorative cycles in the palace.

Because most of these reliefs have never been published, they needed to be documented in case the originals were lost or damaged and to guide future conservation efforts. As a member of the University of California, Berkeley, team at Nineveh in 1989 and 1990, I took roughly 900 photographs of the remains of the throne-room suite, with the objective of recording the surviving sculptures in detail. My book of these photographs, together with drawings, plans, and commentary, tentatively entitled *The Excavation and Destruction of Sennacherib's Palace at Nineveh, Iraq*, will be published by Yale University Press in late 1997.

An example will give some sense of what this project accomplished. In *Nineveh and Its Remains* (vol. 2, p. 469), A.H. Layard, who first excavated in the palace, published an engraving of a unique representation in which two Assyrians make an offering before two standards, which have the form of horned dragons or serpents attached to poles (Fig. 3). This image is of considerable interest for the study of Assyrian cult practice. Layard did not indicate which room or slab this representation was from, nor did he give any indication of scale, and the original drawing from which the engraving was made has not been located. My documentation work showed that this image is a detail from Slab 43 of Room V, the retiring room behind the throne



Figure 1. Nineveh, Southwest Palace, general view of site museum. (Photo: author.)



Figure 2. Nineveh, Southwest Palace, view of restored throne room. (Photo: author.)

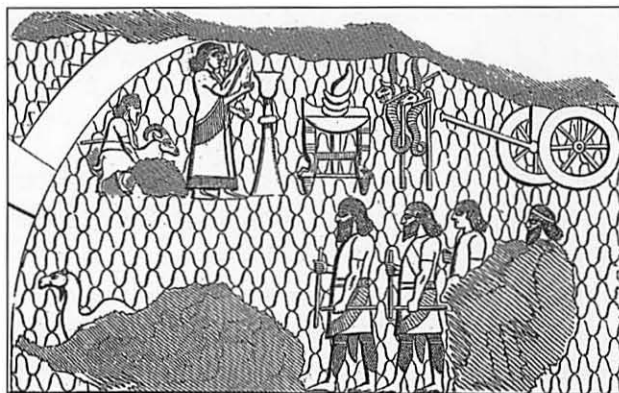


Figure 3. Nineveh, Layard drawing of unidentified scene. (After Layard 1849, vol. 2, 469.)

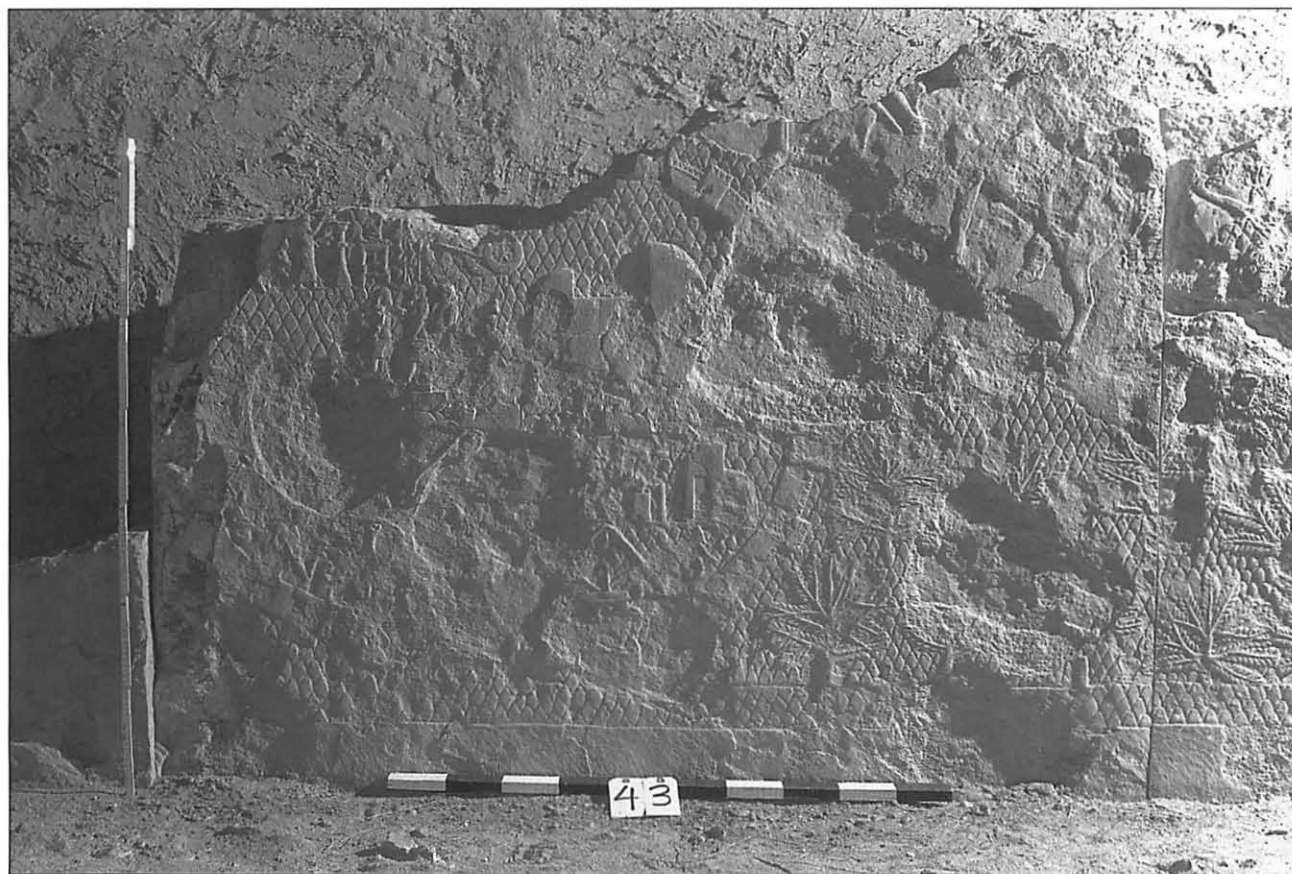


Figure 4. Nineveh, Southwest Palace, Room V, Slab 43, full slab, width 180 cm. (Photo: author.)

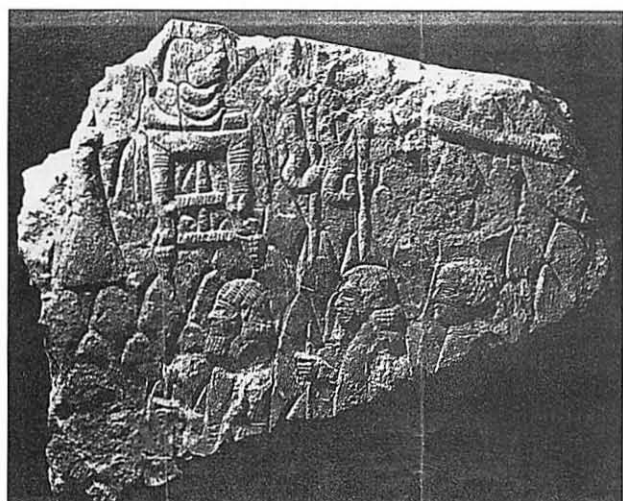


Figure 5. Looted fragment, Nineveh, Southwest Palace, Room V, Slab 43, cult scene. (From a photocopy.)

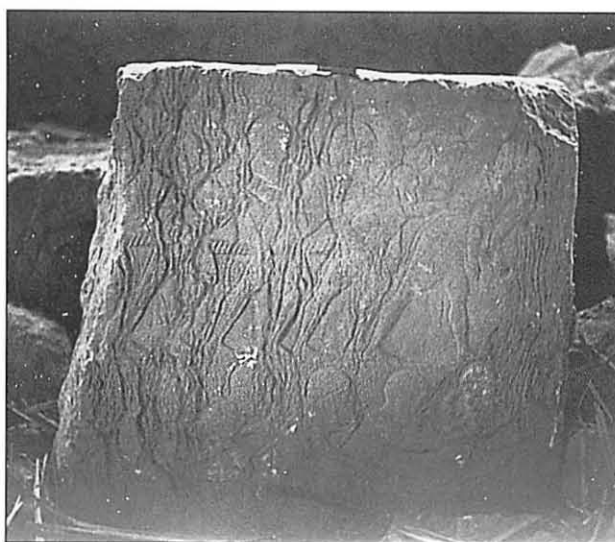


Figure 6. Looted fragment, Nineveh, Southwest Palace, Room XLIX, labourers hauling a heavy object. (Photo: author.)

room (Fig. 4). As can now clearly be seen from the new photograph, the context of this scene is Sennacherib's military camp on one of his campaigns in a mountainous region. The heretofore unpublished slabs to either side show further events from this campaign, thereby placing this small detail within its larger visual narrative context.

The necessity of documenting the site

became devastatingly clear in 1995, when I was shown a photograph of an Assyrian relief fragment for sale on the antiquities market (Fig. 5). There is no doubt that it came from this same slab, which was intact in the Nineveh site museum in 1990, but which had since evidently been broken up by looters. Soon thereafter, I was shown photographs of two more fragments that





Figure 7. Looted fragment, Nineveh, Southwest Palace, West Façade (?), two dead sheep and a dead human in the water. (Photo: author.)

had been in storage at Nineveh in 1990, but which were also on the market. One (Fig. 6) shows labourers towing a load toward the right, from Hall XLIX of Sennacherib's palace (Russell 1991, fig. 86). The other (Fig. 7), which is more unusual, shows two dead sheep and a dead man floating in water. I know of no occurrence of domestic livestock shown this way, other than a fragment that shows a dead buffalo in the water, which was found by George Smith (1875, 148) at the west end of the palace. Both of these fragments may have belonged to the campaign 'to the Persian Gulf' that Thompson & Hutchinson (1929, 61) said embellished the west façade of the palace.

These fragments would be poor investments. Since they are documented as belonging to a museum in Iraq and have no export permits, Iraq would have clear legal grounds to reclaim them from any purchaser. Furthermore, possession of these fragments is a violation of the United Nation sanctions against Iraq, which means that they could be confiscated by customs authorities. It proved impossible to determine who was offering these three fragments for sale, or where they were being kept, so I published a note in *International Fine Art Reports (IFAR)* (May 1996) to alert prospective buyers that these sculptures had come from the site museum at Nineveh. The value of such publicity was confirmed when a London solicitor wrote to me, stating that his client, a London collector, had purchased the fragment showing labourers towing a sledge from an antiquities dealer in Belgium. He had then applied for a British export license, only to be



Figure 8. Looted fragment, Nineveh, Ishtar temple (?), fragment of Assurnasirpal II lion hunt, 25 x 18 cm. (Photo: author.)

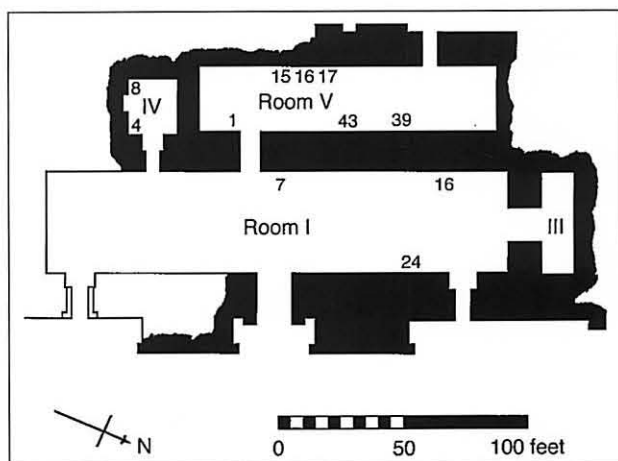


Figure 9. Nineveh, Southwest Palace, plan. (Photo: author.)

informed that the piece was among the ones published in the *IFAR* article. Discussions about the disposition of this piece are currently underway, but the solicitor assured me that if it proves to have been stolen, his client will return it to its true owner.

I was concerned that more looted Assyrian sculptures would appear on the market, but saw no further examples for more than a year. In

November 1996, I was contacted by a New York lawyer acting on behalf of a prospective purchaser



Figure 10. Nineveh, Southwest Palace, Room V, Slab 1, view of full slab before looting, width 121 cm. (Photo: author.)



Figure 11. Nineveh, Southwest Palace, Room V, Slab 1, detail. (Photo: author.)

who had photographs of ten more Assyrian sculptures that were said to be on the market. The lawyer wanted to know if the sculptures were being sold legitimately. They were not. One of the fragments was from a lion hunt relief sculpture of Assurnasirpal II. This fragment was found along with a number of others by Thompson in the vicinity of the Nabu temple at Nineveh, but according to its inscription it originally belonged to the Ishtar temple (Thompson & Hutchinson 1929, pl. 7). I had photographed it at Nineveh in 1989 (Fig. 8). The other nine were further fragments of wall relief from the Sennacherib Palace Site Museum (Fig. 9). At least three of the relief slabs from which these fragments were broken have been published *in situ* in the site museum, slab 1:7 by Russell (1991, fig. 28), and slabs 1:24 and V:1 (Figs. 10–12) by Madhloom (1976, pls. 32 & 33a), the excavator of the palace.

Each fragment came from a different slab, and most of them had been broken from the middle of a slab, suggesting that the looters destroyed whole slabs to extract the best-preserved bits. In cases where the surrounding surface was not well



Figure 12. Looted fragment, Nineveh, Southwest Palace, Room V, Slab 1, Assyrian archer marching to battle, 26 x 16 cm. (From a photocopy.)



preserved, these parts were broken away to create a well-preserved fragment, as on slabs V:15 and V:39. A similar case is a fragment, IV:4 (Figs. 13–15), that shows small figures behind a city wall. The large figures directly above the city were completely broken away, evidently so that their large scale would not distract from the interest of the miniature scene below.

In several cases (I:24, V:1, V:39) fragments were squared off to give the impression that these are complete, self-contained compositions. All of the fragments were mounted vertically on bases, in some cases without respect to the sculpture's original orientation. Fragment V:1 was squared off diagonally and then mounted vertically, so that the figure now seems to be falling forward, quite unlike its original position on the slab. Whoever mounted the fragments knew so little about Assyrian art that they did not realize that a lozenge pattern in the background, which represents mountains, is always oriented vertically. Fragment V:17, which shows a cowering crouching figure, is mounted so that the man is oriented as if standing, with the result that the mountain pattern angles to the left. Fragments V:39 and T:16 are also tilted. The most dramatic example of



Figure 13. *Nineveh, Southwest Palace, Room IV, Slab 4, view of full slab before looting, width 78 cm. (Photo: author.)*



Figure 14. *Nineveh, Southwest Palace, Room IV, Slab 4, detail. (Photo: author.)*

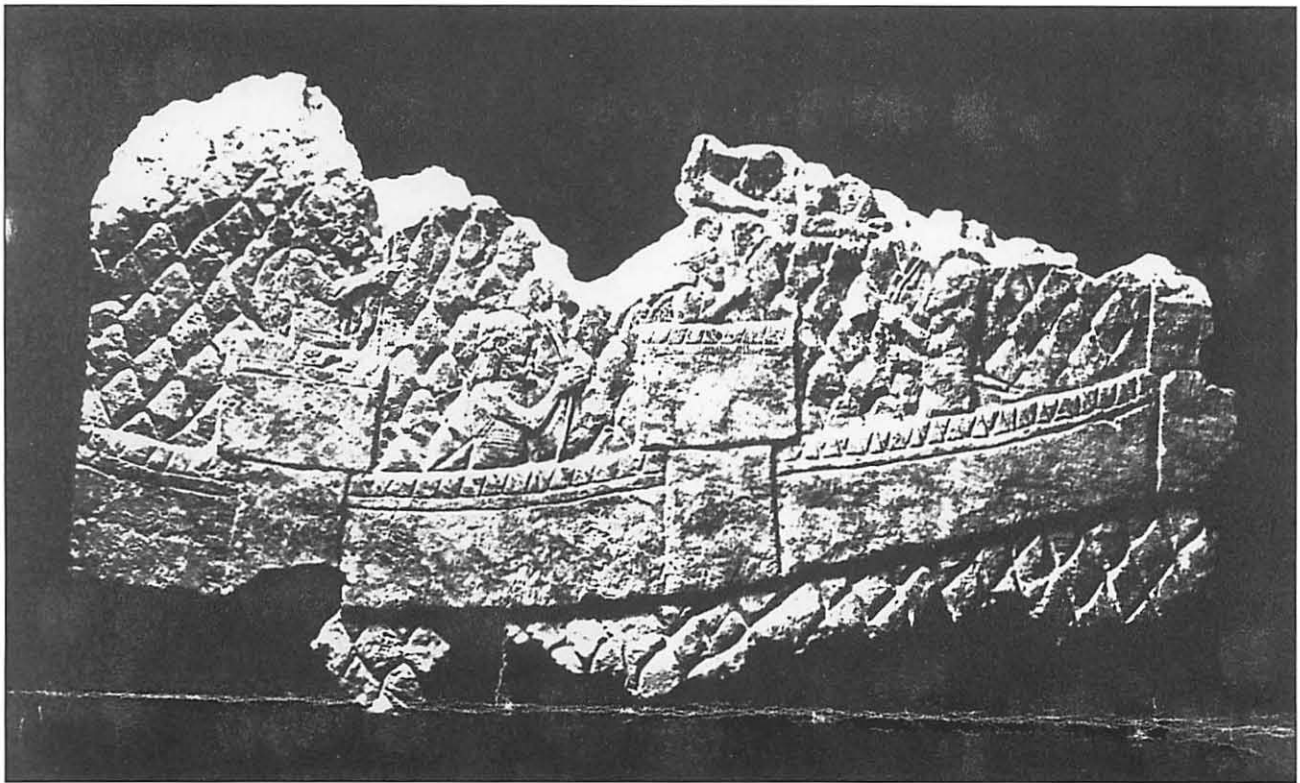


Figure 15. Looted fragment, Nineveh, Southwest Palace, Room IV, Slab 4, archers in a walled city, 71 x 40 cm. (From a photocopy.)

this is fragment V:16 (Figs. 16–18), which showed a pair of archers shooting toward a city on top of a mountain. The piece was mounted so that the archers shoot horizontally, with the mountain pattern almost horizontal behind them.

All of these examples of trimming and reorienting show how important context is in understanding the significance of each fragment, and how much crucial information is lost in the breaking up of a sculptured slab into fragments for the antiquities market. Not only is a unique cultural artefact destroyed, but even the fragments that remain are reduced to incomprehensible ciphers, the meaning of which is lost with the destruction of the full composition. I also published these fragments in *IFAR* (December 1996). All of these fragments are illustrated in *Minerva* (May/June 1997) as well as on the *Archaeology* magazine web site (<http://www.archaeology.org/online>). In May 1997, I saw dealer photographs of two more Sennacherib fragments, which turned out to be the two halves of Slab 8 from Room IV. The lower part of this corner slab was intact when I photographed it at Nineveh in 1990 (Fig. 19), but the piece has since been broken in half, presumably to facilitate smuggling it out of Iraq. This continuing stream of dealers' photographs of

documented Sennacherib reliefs suggests that by now the only place where Sennacherib reliefs are in short supply is in the palace museum itself.

Nineveh is not the only Assyrian site that has suffered. In fall 1996, a London antiquities dealer was circulating a photograph that showed an unusual unpublished sculpture from the palace of king Tiglath-pileser III at Nimrud, Iraq (Fig. 20). This large fragment shows two Assyrian courtiers facing left, and apparently joins to a smaller fragment in the Louvre that shows the king facing right towards them (Barnett & Falkner 1962, pl. 22). Further investigation revealed that the new piece had been excavated and photographed by the Polish archaeological expedition at Nimrud in 1975. The sculpture has not yet been published, due to the untimely death of the excavator in 1976, but a photograph of it was shown at a major scholarly meeting, the *Rencontre Assyriologique Internationale*, in Berlin in 1978. After its excavation, the sculpture was stored in the Iraq Antiquities Department house on the site of Nimrud, Iraq. There was no record that it had left Iraq legally, but here it was on the market.

In May 1997, I saw a dealer's photograph of another Tiglath-pileser fragment, showing an



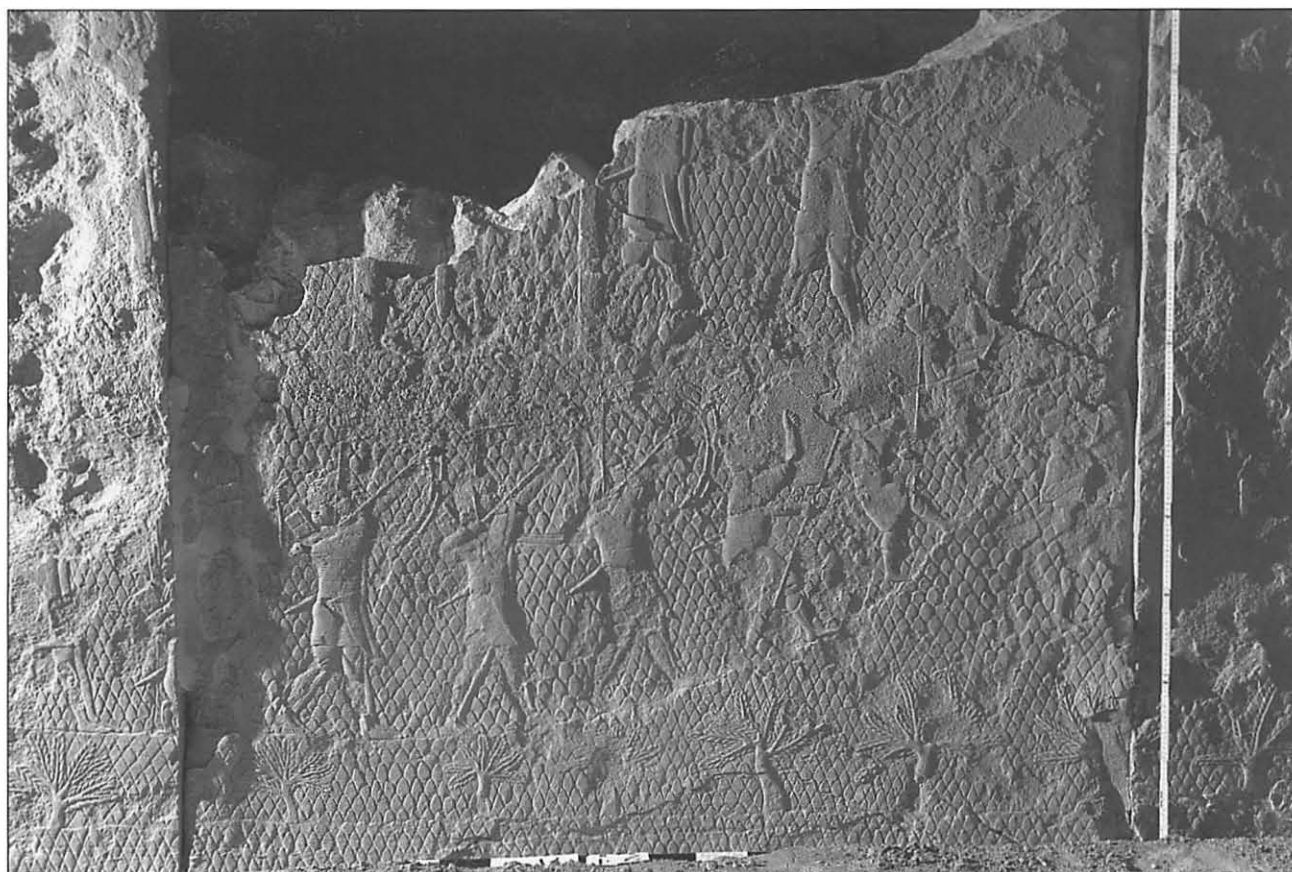


Figure 16. *Nineveh, Southwest Palace, Room V, Slab 16, view of full slab before looting, width 187 cm. (Photo: author.)*



Figure 17. *Nineveh, Southwest Palace, Room V, Slab 16, detail. (Photo: author.)*



Figure 18. *Looted fragment, Nineveh, Southwest Palace, Room V, Slab 16, a pair of archers drawing their bows, 30 x 17.5 cm. (From a photocopy.)*

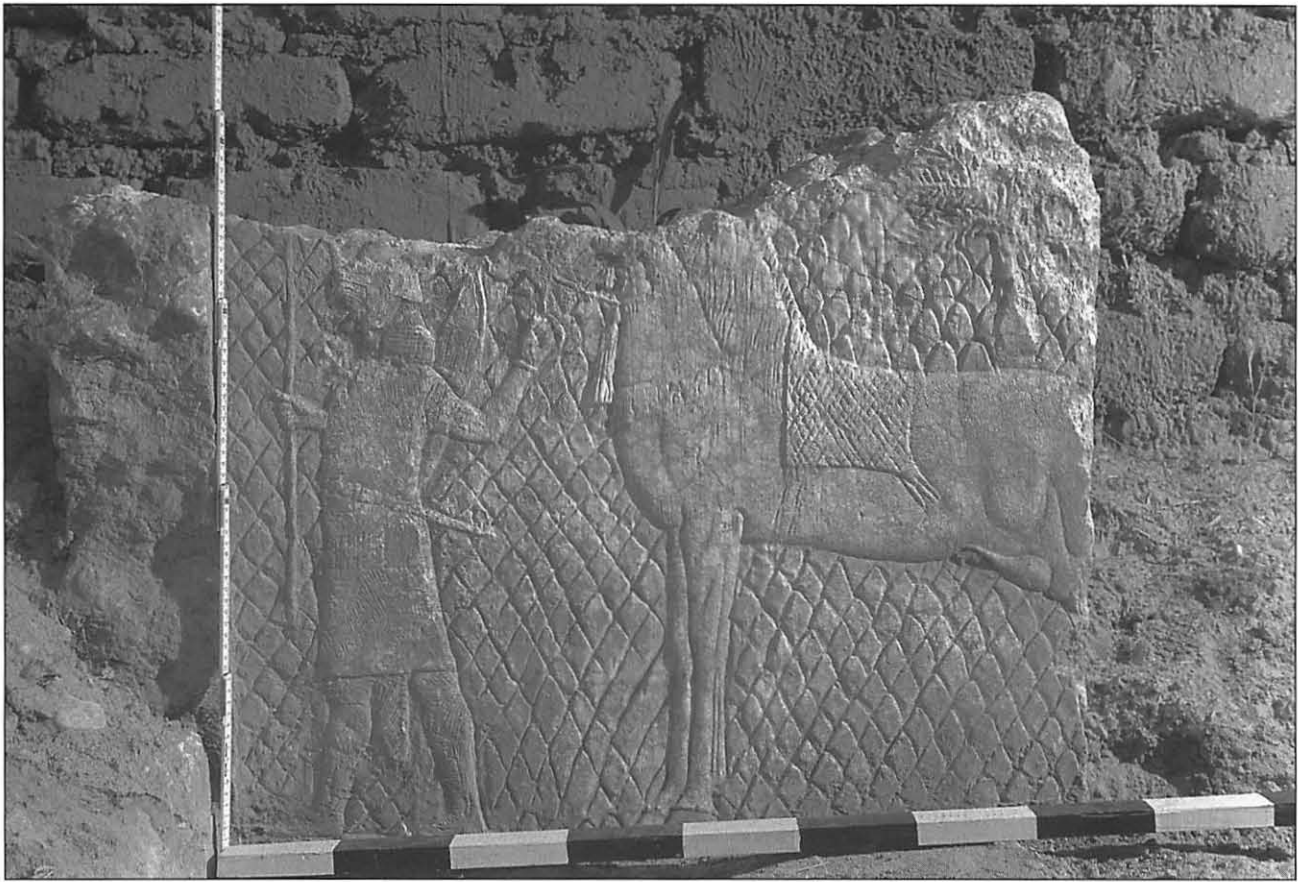


Figure 19. *Nineveh, Southwest Palace, Room IV, Slab 8, view of full slab before looting, width 76 cm. (Photo: author.)*

Assyrian soldier in a chariot facing left (Fig. 21). The slab from which it came had been excavated, drawn, and reburied by Layard (Barnett & Falkner 1962, pl. 9), and then re-excavated and published by the Polish expedition (Fig. 22). Unfortunately, the piece on the market was only the left half of the slab — as with the Sennacherib examples, this large, well-preserved slab had been broken up, presumably for greater portability or to disguise its resemblance to the published photograph. Certainly anyone who desires to purchase a recently-smuggled piece of an Assyrian palace should have no difficulty locating one. And such high-profile documented Assyrian sculptures are only the tip of the iceberg. Thousands of smaller antiquities, especially cuneiform clay tablets and stone cylinder seals, have left Iraq illegally in the years since the Gulf War. One collector observed that in the last few years there has been a tremendous increase in the quality, as well as quantity, of Iraqi antiquities on the market.

Why is this happening now? Iraq has a rich and varied heritage, and this heritage has been coveted by the West since the nineteenth-century heyday of imperial acquisition. Then, ‘like the

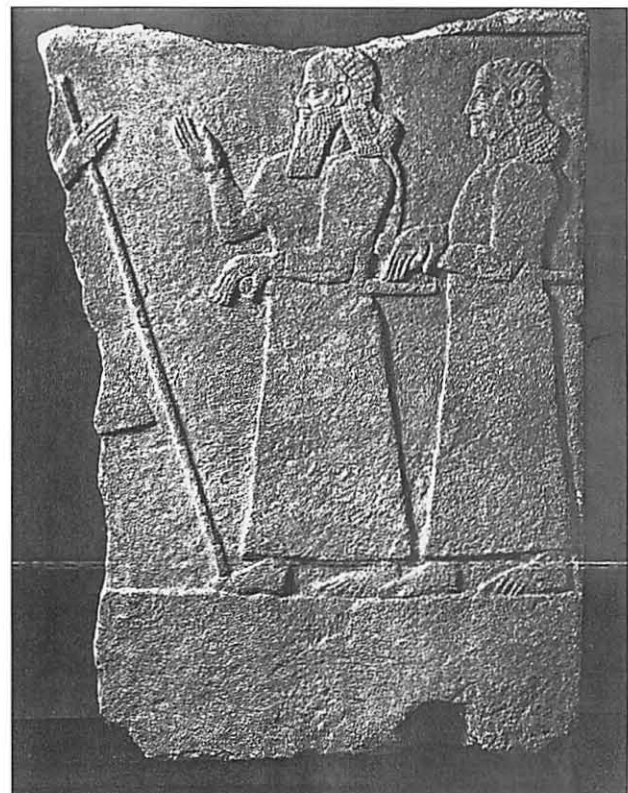


Figure 20. *Looted fragment, Nimrud, Palace of Tiglath-pileser III, courtiers facing the king. (From a photocopy.)*

wolf on the fold’, representatives of European governments descended on the palaces of Meso-





Figure 21. Looted fragment, Nimrud, Palace of Tiglath-pileser III, Assyrian chariot facing left. (From a photocopy.)

potamia and sacked them to fill the halls of the British Museum, the Louvre, and the Berlin Museum. Numerous sculptured slabs found their way into smaller collections in England and America as well. The most spectacular of these was a group of 26 Assyrian sculptures, including two human-headed lion and bull colossi, which were presented by Layard to his cousin, Lady Charlotte Guest, a distinguished scholar of Welsh literature, mother of ten, and wife of one of the wealthiest industrialists in England. She displayed them at her home, Canford Manor in Dorset, in the Nineveh Porch, a Gothic Revival garden pavilion built especially for them by Charles Barry, the architect of the Houses of Parliament. The bulk of this collection is now in the Metropolitan Museum of Art in New York. Their story is told in my new book, *From Nineveh to New York: the Strange Story of the Assyrian Reliefs in the Metropolitan Museum and the Hidden Masterpiece at Canford School* (Yale

University Press, 1997).

Today Assyria is in fashion again, and its sculptures are bringing unprecedented prices. In 1992, while doing research for the new book, I discovered an original sculpture still in place in the Nineveh Porch at Canford, now Canford School. In 1994 this sculpture was sold by the school at auction for £7.7 million, by far the highest price ever paid for an antiquity. To protect and promote its irreplaceable heritage in the face of such powerful market forces, modern Iraq has an excellent antiquities department, and the people of Iraq have a very high level of pride in their national heritage. Before the Gulf War, very few antiquities left Iraq, because every Iraqi carefully guarded that heritage. This attitude is essential for a country that possesses hundreds of major archaeological sites and tens of thousands of smaller ones. Even in the best of times, it would be impossible to guard all these sites without the co-operation of the Iraqi people.



Figure 22. Nimrud, Palace of Tiglath-pileser III, chariot followed by two soldiers, with a tree and archer at right. (After Sobolewski 1982, fig. 12.)

The United Nations sanctions against Iraq have caused unprecedented perils for Iraq's heritage while forbidding any form of outside assistance within the borders of Iraq in heritage matters. Because of the sanctions, little money is available in Iraq for the preservation of antiquities, at the same time that newly impoverished Iraqis, squeezed between ruinous inflation and critical shortages of basic necessities, have been forced to seek new sources of subsistence income. For antiquities and heritage, the combination of local desperation and international demand is a recipe for disaster. Some Iraqis with nothing left to sell have evidently turned to selling off bits of Iraq's rich heritage. These relatively small fragments would be easy to conceal and smuggle out of Iraq, most likely through the Kurdish territory only a few miles to the north of Mosul, but also through Iran, Turkey, Syria, Jordan, or Saudi Arabia. They are then apparently warehoused until a buyer can be located.

There is no evidence that Iraqi officials are involved in these thefts. Instead, this appears to be disorganized pilfering, probably carried out by

impoverished locals, and the sculptural fragments are very likely sold for a pittance, since such well-known pieces have no value on the international market. 'Like the wolf on the fold', the United Nations sanctions against Iraq have finally destroyed Sennacherib's palace, finishing the work begun by the ancient Medes and Babylonians who sacked Nineveh in 612 BC. To be sure, market and political forces are also at work here, but the fact remains that without the sanctions, this destruction would not have happened.

The Iraq Department of Antiquities and Heritage has responded by actively trying to staunch the flow of antiquities out of the country, but has been severely constrained by a limited budget, its inability to import photographic supplies (forbidden by the sanctions) or outside technical and scholarly expertise, and by the absence of international co-operation. Inside Iraq, the department is reportedly spending large sums — \$500,000 in 1996 — in a successful campaign of paying rewards to Iraqis who turn in stolen antiquities. This diligence is paying off. Early this year, the head of a colossal sculpture at Khorsabad



was hacked from its body. A few months later the head was recovered still in Iraq, cut into 11 pieces to facilitate smuggling. Some 40,000 artefacts have reportedly been recovered in Iraq, but thousands more have left the country.

The Iraq Antiquities Department has much less influence outside Iraq. This was highlighted by a recent case where British customs officials seized a number of boxes of antiquities apparently looted from archaeological sites in Iraq. Though British experts confirmed the Iraqi origin of the pieces, the court returned them to the shipper, despite the U.N. sanctions' prohibition on imports from Iraq, and regardless of the provisions of the 1970 UNESCO *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* and the 1995 UNIDROIT *Convention on Stolen or Illegally Exported Cultural Objects*, both of which provide for the repatriation of looted cultural property. It appears that to avoid such reversals in the future, Iraq will need to hire a lawyer who is a match for the ones working for the market.

Foreign specialists are anxious to collaborate with Iraqi colleagues in the protection and preservation of Iraq's heritage, but because of the sanctions, opportunities are limited. Before the Gulf War, the British School of Archaeology in Iraq maintained a beautiful expedition house in Baghdad. Many archaeologists, both British and foreign, enjoyed the warm hospitality, great food, and excellent library of this residential facility. Following the imposition of the U.N. sanctions in 1990, all foreign archaeological fieldwork in Iraq ceased. British School officers were allowed to make brief visits to Iraq to check on the house in 1992, but in 1993 the British Academy and Foreign Office issued a firm recommendation against further official visits by School members. In 1995, the library was moved out of the expedition house, which was deteriorating alarmingly due to termites, and in 1996 the house was permanently abandoned.

The Americans had a similarly discouraging experience. In early 1990, the newly-founded American Association for Research in Iraq was preparing to establish its own residential facility in Baghdad, which would have been the first long-term American research presence in Iraq. A

residence and director had already been selected when these plans were terminated by the sanctions. Going well beyond the restrictions of the sanctions, the American government prohibits even private visits by its citizens to Iraq. The American and British organizations, prevented from working in Iraq, began publishing *Lost Heritage*, a continuing series of fascicles that publish photographs and descriptions of the 4000 objects looted from Iraq's regional museums during the uprisings following the Gulf War. To date, three volumes have appeared in the series.

Today the Sennacherib Palace site museum at Nineveh represents a world heritage disaster of the first magnitude. Immediate emergency conservation measures are required to preserve what remains of its sculptures. One might think that international support for such a crucial undertaking could be readily obtained, but the obstacles appear insurmountable. The same United Nations sanctions that have contributed to the destruction of the palace museum also prohibit any form of outside cultural assistance to Iraq. Though the U.N. Sanctions Committee treats humanitarian assistance as an exception to the sanctions, no such exception has been allowed for the preservation of heritage. International teams from cultural organizations such as UNESCO have repeatedly been denied permission by the Sanctions Committee to assess damage and threats to the cultural heritage of Iraq in the wake of the Gulf War, despite the urgent need for documentation and conservation of Iraqi heritage due to wartime damage, post-war looting, and emergency agricultural development. This hostility reflects a widespread perception in the West that modern Iraq has no significant heritage, even though the West claims ancient Iraq, the 'Cradle of Civilization', as the foundation of its own heritage. This heritage disaster also highlights the role of the West as a myopic consumer of heritage, rather than cherishing it as a vanishing irreplaceable shared resource.

A giant step forward would be for the U.S. government and the U.N. Sanctions Committee to treat threats to cultural heritage as a humanitarian issue. Only with their permission can outside specialists participate in on-site assessments of damage, or collaborate in necessary conservation and preservation measures. The

1954 Hague *Convention for the Protection of Cultural Property in the Event of Armed Conflict*, and the 1970 UNESCO and 1995 Unidroit conventions are a good beginning, but the existing conventions make no provision for the protection of heritage against the effects of economic warfare, even though in the case of Iraq, the isolation and impoverishment wrought by prolonged trade sanctions and travel restrictions has led to far greater devastation of heritage than the armed conflict did. Today, the sanctions hold heritage hostage to a political agenda, facilitating its exploitation by outside market forces.

The present location of most of the looted Assyrian fragments is unknown. Anyone who is offered them for purchase is requested to notify the seller that the sculptures were removed illegally from Iraq, and to ask the seller to turn them over to an Iraqi embassy or interests section, Interpol, or to a customs agency, so that they may be returned to Iraq. Potential buyers of Assyrian sculptures should be aware that very few such pieces appear legitimately on the market, and that many more fragments may have been smuggled out of Iraq. Any Assyrian relief fragment should be treated with great caution.

Charles E. Jones has provided the following publication information for the first three fascicles of *Lost Heritage*, which are available, for a limited period, free of charge, by writing to the publisher of each fascicle:

Gibson, M. & A. McMahon, 1992. *Lost Heritage: Antiquities Stolen from Iraq's Regional Museums*, fascicle I. Chicago (IL): American Association for Research in Baghdad. 1 volume (xii + 54 pages [illustrated]).  
available from: American Association for Research in Baghdad, 1155 East 58th St, Chicago IL 60637, USA.

Baker, H.D., R.J. Matthews, J.N. Postgate, 1993. *Lost Heritage: Antiquities Stolen from Iraq's Regional Museums*, fascicle 2. London: British School of Archaeology in Iraq. 1 volume (viii + 153 pages [illustrated]). ISBN: 0-903472-14-7.  
available from: The British School of Archaeology in Iraq, 30-31 Gordon Square, London WC1H 0PY, UK.

Fujii, H. & K. Oguchi, 1996. *Lost Heritage: Antiquities Stolen from Iraq's Regional Museums*, fascicle 3. Tokyo: Institute for Cultural Studies of Ancient Iraq, Kokushikan University. 1 volume (xxi + 43 pages [illustrated]).

available from: Hideo Fujii, The Institute for Cultural Studies of Ancient Iraq, Kokushikan University, 844 Hirohakama, Machida, Tokyo, 195 JAPAN.

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## Returned antiquities: a case for changing legislation

ERICA C.D. HUNTER

**T**he embargo which was imposed on Iraq following the termination of the Gulf War in 1991 has had far-reaching consequences on the archaeology of Iraq. Prior to the Gulf War, a black-market trade in antiquities was almost unheard of. Now the situation has made a complete turn-about. Countless clandestine excavations are in force, and there are substantiated reports of museums and libraries, as well as monasteries, being looted of their contents. These disturbing events point to the activities of an international 'mafia', well organized and with a network of connections both within and without Iraq that extends to London and other European cities.

Antiquities, whose only provenance can be Iraq, are known to have arrived in London, often in transit to Switzerland and New York among other destinations. In this trade, London has a central and pivotal importance, being the place where consultations and valuations are made, often by members of the scholarly community. It is not surprising or unusual to find a whole range of antiquities in many dealer's shops in Portobello Road and Davies Mews near Bond Street. Other antiquities never appear 'on the market', but are commissioned by wealthy patrons who specify particular pieces and are willing to pay exorbitant amounts to procure them. It is possible that the famous Bacchus relief, designated a world heritage by the World Heritage Convention, which was stolen from Hatra in 1994 was removed 'to order'.

Heathrow Airport is the entry point for many antiquities. In late 1994, careful surveillance by H.M. Dept. of Customs and Excise led to four boxes being apprehended, apparently due to an irregularity in labelling. When opened, this consignment included cuneiform tablets, terracotta figurines, carinated plainware pottery and incantation bowls. The physical characteristics of the seventeen incantation bowls are typical of the genre, as are the decorative attributes,

palaeography and texts. Four of them were written in Mandaic, and eight in Aramaic with the remaining five being in 'pseudo-script'. This breakdown of script suggests that the specimens come from a single location within Mesopotamia, where all substantiated sites for incantation bowls have, to date, been located.

H.M. Dept. of Customs and Excise planned to prosecute the Jordanian woman to whom the boxes were addressed. In response to their request, I examined the incantation bowls and prepared a detailed report in early 1995 and on two later occasions I was asked to furnish statements about the incantation bowls. In late 1996, when I had heard no further news I telephoned the investigating officer who informed me that the four boxes had to be returned to the importer because of loopholes in the legislation, The Jordanian woman, the daughter of a well-known antiquities dealer, had refused to accept the boxes, which had at that stage been impounded, and because she did not accept them prosecution could not proceed. The legal issue is concerned with people trading in goods, not goods *per se*. It is not sufficient that the consignment was illegal, someone had to claim it.

The U.K. legislation governing the importation of goods from Iraq is based on the Statutory Instruments of the U.N. Sanctions Orders on Iraq and Kuwait (nos. 1768, 2144) which are ratified by Parliament. The root of the problem does not lie, however, with the Statutory Instruments but rather with The United Nations Sanctions Orders on Iraq and Kuwait. One of the first tasks confronting scholars concerned about illegal antiquities from Iraq should be effecting changes in the U.N. Sanctions laws to close this loophole. This has been done in the subsequent legislation which was drawn up in response to the Bosnian situation. An international body of scholars should continue to petition for changes to the Sanctions Orders on Iraq and Kuwait, for only when this has been achieved can the Statutory Instruments be amended.

Legislative changes would not stem the haemorrhaging of antiquities from Iraq, but at least it would allow illicit goods to be seized upon their arrival in the U.K. and not just returned as happened, but returned to their rightful owners. The situation described above is only a single

instance where an illegal consignment was apprehended. How many others have not been detected is anybody's guess, as is the whereabouts of the incantation bowls, and the rest of the material which were given back to the Jordanian woman. Perhaps they will one day surface in the collection of a museum where, under the guise of legitimate ownership, they will be published by renowned scholars to the accolades of their colleagues. More probably, by now these antiquities are part of the holdings of private collectors where their contribution to scholarship

will be, almost certainly, lost.

Any persons interested in setting up a committee to petition for changes to the Sanctions Orders on Iraq and Kuwait should contact the author.

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## Short notes

The problem of the illegal antiquities trade with respect to Iraq is two-fold. In the first instance there are items excavated prior to the Gulf War which were stored or displayed in the regional museums; some of these museums were looted in the aftermath of the war and objects from them occasionally appear on the antiquities market. In the second instance, there are items which have probably been illegally excavated since the Gulf War and which are now appearing on the market. There is unfortunately little we can do about this latter category of items, since proof of prior ownership by Iraq is elusive and would be based on art historical analysis (or internal textual evidence in the case of tablets) and on the absence of evidence for legitimate ownership, none of which are convincing in the context of legal proceedings. For those items for which there are Iraq Museum accession numbers and independent excavation records, the situation is theoretically simple. The three fascicles of *Lost Heritage* give lists, descriptions, and some illustrations of all the objects which were known to have been looted from Iraq's regional museums at the end of 1991; but recovery is regrettably hampered by admittedly poor-quality photographs and gaps in documentation. Only a few items have been successfully identified and recovered using those volumes, and there is disturbing evidence that the lists in those volumes are incomplete.

Confirmation of this problem comes from the sighting in London of a Neo-Assyrian cuneiform tablet excavated by Sir Max Mallowan in 1956 from the site of Balawat, in northern Iraq. This tablet (excavation number BT 125) had been in the possession of the Iraq Museum and was published by Barbara Parker in the journal *Iraq* 25 (1963), 97–8 and pl. XXV. Another tablet seen on the same occasion has been tentatively identified as coming from Tell al-Fakhar, a site in northeastern Iraq. It is also very likely to have been stolen from one of the regional museums in Iraq.

In a separate incident, a basalt door- or gate-socket was offered to the Merrin Gallery in New York, which wisely made inquiries of the British Museum as to the legitimacy of the object's ownership. The door-socket dates to the Isin-Larsa Period and has a two-column inscription of Shulishu, second king of the Isin dynasty; it is one of a pair excavated by Sir Leonard Woolley at Ur in the 1922–23 season (excavation number U. 421 and Iraq Museum accession number IM 373) and was published by C.J. Gadd and L. Legrain in *Ur Excavation Texts*, vol. I (1928, British Museum & The University Museum of Pennsylvania), no. 100, pl. N. The size and weight of this piece, which is approximately half a metre across by 22 cm thick, indicate that it must have been shipped to the US as freight, rather than hand-carried, and moved undetected through customs.



There has also been a report from Dr Muayad Damerji, the Director General of Antiquities and Heritage in Iraq, that the head of a recently-excavated human-headed bull from the palace at Khorsabad, which had been left *in situ*, was broken off and stolen. Its size and easy recognizability would make it difficult to sell on the open market and it is likely that it was stolen 'to order'. Fortunately, it has been found (in a garden in Mosul); but in the course of its removal it had apparently cracked into two pieces, and then it was further sawn and chiselled into a total of eleven pieces for easier transport and concealment. It is now in the Iraq Museum in Baghdad awaiting restoration. An unknown number of relief heads from the site of Hatra have also been stolen, with the result that many of the sculptures remaining *in situ* have been plastered over or hidden behind temporary walls in the effort to preserve them.

The Department of Antiquities and Heritage in Iraq is gradually achieving increased success in encouraging individuals who find antiquities to bring them to the Iraq Museum rather than selling or exporting them. A system of rewards has been put in place by the government; and the site of Tell an-Namil, where the Antiquities Department is currently conducting excavations, was brought to their attention by an individual bringing in pottery uncovered in the course of agricultural work. It should be noted that one of the effects of the economic embargo on Iraq has been a necessary increase in the area of land brought under cultivation, with the inevitable result that more sites are being encountered and damaged by ploughing and irrigation, and more undocumented artefacts are being uncovered. The so-called 'Third River', a deep drainage channel between the Tigris and Euphrates,

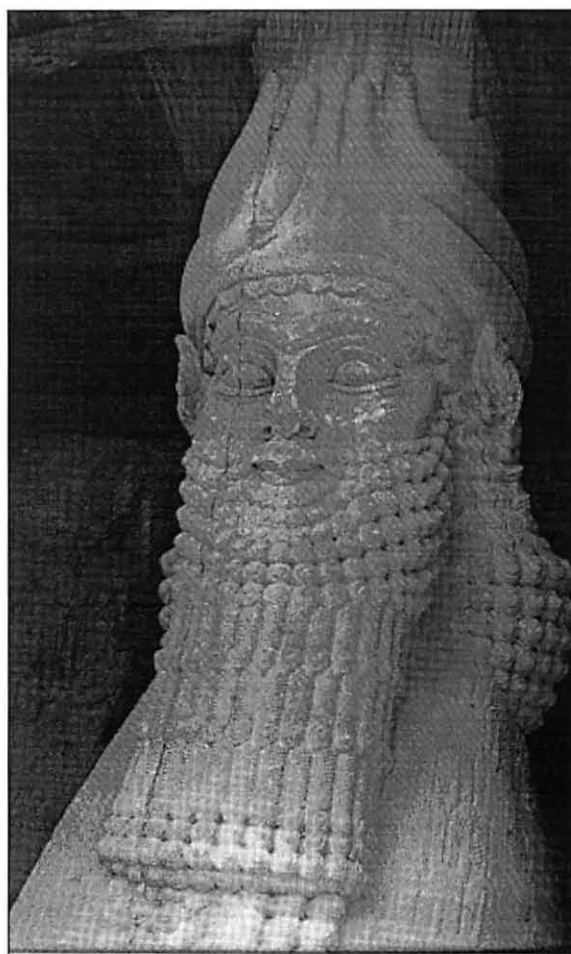


Figure 1. Human-headed bull from Khorsabad, before theft.

which was engineered to remove brackish water resulting from irrigation in northern Babylonia and to expel it into marshes near the Gulf, is apparently now being used, *contra* its original intention, for irrigation of new fields which have expanded into the formerly dune-covered centre of the country. When the channel was dug in 1989 and 1990, it revealed a number of completely buried and hitherto unknown single-period sites, and these and other already-registered sites in this area are now under severe threat of destruction as more farmers move into the area.

# Illicit Antiquities Research Centre

## Statement of Intent

The Illicit Antiquities Research Centre has been established in response to concerns expressed about the loss to our knowledge of the past caused by the illicit excavation of archaeological sites. It intends to:

1. Raise public awareness in Britain and internationally about this issue and seek appropriate national and international legislation, codes of conduct and other conventions to place restraint upon it;
2. Monitor the sale and transfer of illicit antiquities within the UK and raise public awareness of the scale of such sale and transfer overseas;
3. Develop an overview of the national and international legislation bearing on these issues;
4. Argue, as a provisional measure, for the widespread adoption of the central tenet of the 1970 UNESCO convention on the illicit transfer of cultural property, that unprovenanced artefacts which cannot be shown to have been known and published prior to 1970 should be regarded as illicit and should not be acquired by public collections whether by purchase, gift or bequest nor exhibited by them on long- or short-term loan and should not be purchased by responsible private collectors. It should be recognized, however, that local or national museums may on occasion be the appropriate repository for such unprovenanced objects as can be shown with reasonable confidence to have originated within the territory of their responsibility.
5. Seek agreement among national organizations and museums in the UK on the appropriate policy for such bodies to adopt on the acquisition, display and publication of unprovenanced artefacts;
6. Seek to cooperate with dealers and auction houses in furthering the evolution towards the understanding of such issues and the adherence to appropriate practices;
7. Work with the Council for British Archaeology and other British bodies to encourage the application of appropriate principles to portable antiquities originating within the United Kingdom;
8. Investigate and make known illicit activities relating to antiquities in the Near East, Egypt and Asia Minor and to publish such information in the periodical *Culture without Context*;
9. Select such other geographical areas for comparable investigation and publication as may be practicable;
10. Establish working relationships with data-search organizations relating to stolen antiquities (i.e. antiquities which formed part of a recognized collection from which they were stolen) as well as illicitly excavated antiquities which have not, so far as is known, been recognized as forming part of a public collection or a major and well documented private collection;
11. Promote educational measures which will stimulate and develop respect for the archaeological heritage of all nations.



# Culture Without Context



The Newsletter of the Near Eastern Project of the Illicit Antiquities Research Centre

Issue 2, Spring 1998

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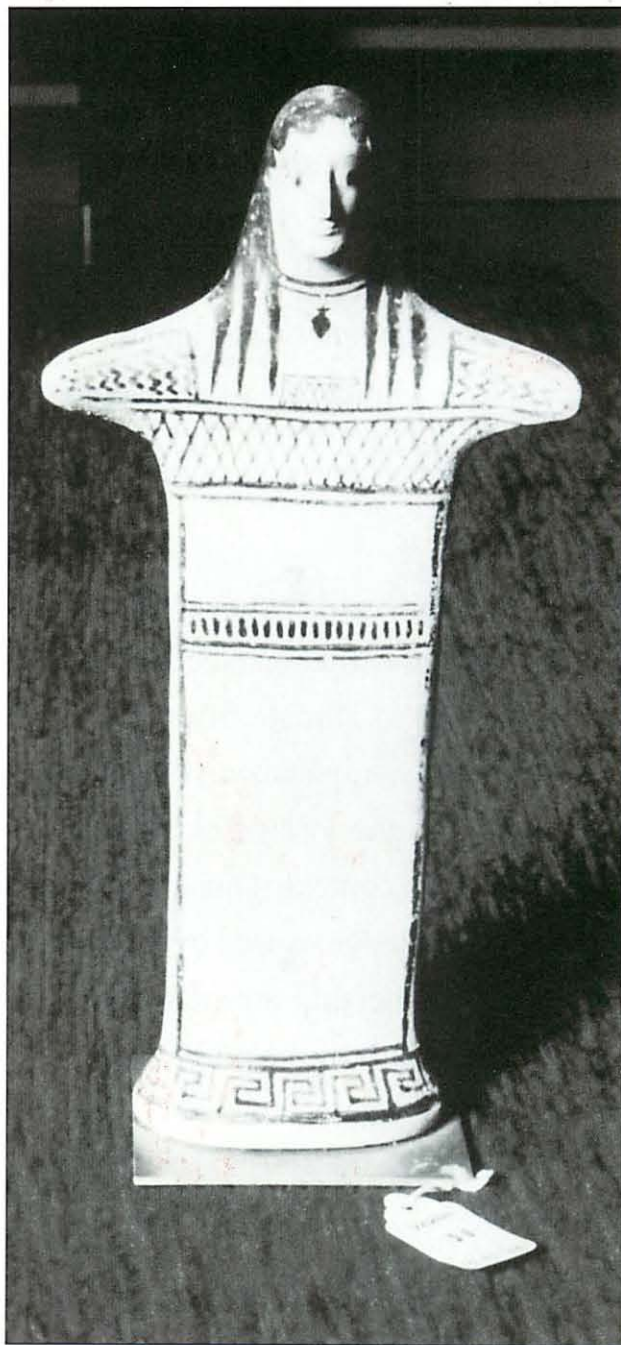
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ISSN 1464-1925

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Research

Printed by BluePrint, Severn Place, East Road,  
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*Terracotta Boeotian figurine, 7th century bc (see p. 11).*



The Illicit Antiquities Research Centre is a project of the McDonald Institute for Archaeological Research

## Illicit Antiquities Research Centre

The Illicit Antiquities Research Centre (IARC) was established in May 1996, and commenced operations in October 1997 under the auspices of the McDonald Institute for Archaeological Research in Cambridge, England. Its purpose is to monitor and report upon the detrimental effects of the international trade in illicit antiquities (i.e. antiquities which have been stolen or clandestinely excavated and illegally exported). The volume of this trade has increased enormously over the past twenty years and the associated demand is thought to have caused the large-scale plundering of archaeological sites and museums around the world.

The IARC will bring to the attention of the general public the scale and nature of this destruction (see Statement of Intent on back cover). It will also endeavour to create a climate of opinion which will discourage the collection of illicit antiquities by emphasizing that the true scholarly value of an artefact is irreparably damaged by the loss of cultural information which is caused by its unrecorded divorce from context. Thus the primary concern of the IARC will be to reduce the loss of knowledge caused by the chronic despoliation of sites and museums. Issues of object ownership are of secondary interest but are nevertheless frequently an inseparable part of the problem.





## Editorial

The illicit trade in antiquities with regard to Turkey is a problem with two faces. In the first instance, Turkey is a 'source country', with an extraordinarily rich and varied cultural heritage. In the second instance, Turkey is geographically well-placed to be a 'transit country', a pathway for items from neighbouring source countries of the Middle East travelling towards the purchasing countries of Europe.

Turkey has had tough antiquities laws in place since 1906 and in recent years in particular has worked consciously and consistently to repatriate illegally exported artifacts. Many of these efforts have led to success, either through legal settlements or by way of more informal resolutions, in which the American-Turkish Society has often been a useful partner. There have been several high-profile cases involving illegally exported Turkish artefacts, such as the Lydian Hoard, a group of gold and silver vessels and jewellery, wall paintings and statues. These objects were purchased by the Metropolitan Museum in New York over the course of 1966 to 1970 and were a source of controversy since their existence was first rumoured in 1970. The 'hoard' was proved to have come from a cluster of burials in western Turkey and was returned to Turkey in 1993 after a complex six-year legal case which was conceded by the Metropolitan Museum before it could come to trial. For informed discussion of the Lydian Hoard particulars, and illegal trade in Turkish antiquities in general, the best source is Mr Özgün Acar, a Turkish journalist who has been involved with the issue for years (see, for instance, Acar & Mark Rose, 'Turkey's war on the illicit antiquities trade', *Archaeology* 48/2 (1995), 45–56).

The two aspects of source and transit trade intertwine, since modern national borders in the region do not correspond with cultural boundaries in the past. Potentially, an object which appears on the antiquities market in Turkey, or in Europe having arrived via Turkey, may have come from a site in Turkey or from a neighbouring country, and in the absence of documentation it may be very difficult to determine which. For example, several years ago, a regional museum

in southeastern Turkey had bought a cylinder seal brought in by a local resident. Museum officials had not seen anything exactly like it, and details of where it had been found were murky. I looked at it and was surprised to see a distinctive scene of pairs of animals in combat, in a style pointing to manufacture in southern Mesopotamia (now southern Iraq) during the late Early Dynastic Period (c. 2500 BC).

So, was this a seal which had been illegally excavated in Iraq and had found its way to Turkey? Most probably yes, given the scale of the illegal excavation problem in Iraq at present and the porosity of the Turkey–Iraq border. However, there are several other possibilities. The seal could have been manufactured in northern Mesopotamia (in this case Iraq or Syria) in a style much like the contemporary style of southern Mesopotamia (currently Iraq). So the seal may have been illegally excavated from a site in Syria and had slipped across the border to Turkey. To pursue this line further, the seal could have been made at a very northern Mesopotamian site, this time in southeastern Turkey, in a southern Mesopotamian style; in this case it would be unique, but this is not out of the realm of possibility.

But yet another possibility exists. Assuming the seal was manufactured in southern Iraq, it may still have arrived at a site in Turkey at some time in the distant past, either directly carried by its original owner or by way of a series of exchanges and multiple owners. This movement may have happened either shortly after the seal's manufacture or even centuries later (given that cylinder seals could have 'heirloom' status in the past). So perhaps the seal did come from a site in Turkey, despite its style pointing to a different area of origin. In this case, although it may have been illegally excavated, it would not in fact have been illegally exported. And the further possibility exists that if it had been accidentally excavated from a site in Turkey (i.e. in the course of agricultural or construction work), it would actually have arrived in the best possible context, having been delivered to the local museum.

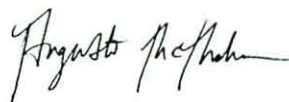
So we are left with a confusing situation. How would one even go about beginning to determine rightful ownership and original provenance in such a case? The impossibility of such a task is overwhelming. And a cynical, or lazy,



voice asks, why should we bother? Although of good quality, there actually was nothing very exotic about the seal itself. There are literally dozens of Early Dynastic cylinder seals in similar style, with similar scenes, already known from excavations and in museum collections. It did not have an inscription or any other unique features. It would not make any impact on an art historically-based analysis of Mesopotamian culture. But its latent importance lies in its context, now lost forever. If it came from a site in southern Iraq, this is interesting but would probably not in fact change our reconstruction of the past. If it came from a site in Syria or northern Iraq, this is more interesting, and it could slightly alter our perception of the interaction between southern and northern Mesopotamia, depending upon the specific site involved. But if it came from a site in Turkey, there could be a much greater impact upon our concept of this interaction, its extent and its organization. The date of the context, and how much that differed from the probable date

of manufacture, would have also been an intriguing avenue to follow.

Now, decontextualized, the cylinder seal remains a beautiful object, an artefact which can still rightly serve as a 'cultural ambassador', speaking volumes about the artistic genius and symbolic world of a particular cultural group. It is slightly comforting to think that residents of southeast Turkey may have the opportunity to see it in the museum, since it will be unique in that context and can serve as a valuable educational tool. But the vitally important, yet intangible, information it once held about other social and economic aspects is lost. The individual who used the seal and the location and circumstances in which he or she did so have completely vanished. And the object without its history is far less eloquent.



A. McMahon  
Editor

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*Culture Without Context* is published twice yearly. The next issue will appear in autumn 1998. Subscription details are available from:

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## Return of the Birgi Ulu Camii mimbar doors

AUGUSTA McMAHON

It is not just ancient or 'archaeological' material which is at risk in Turkey and other countries of the region. The increased appreciation of and high prices now fetched by Islamic antiquities and antiques on the market have led to thefts of more recent material. For instance, among the thousands of objects looted from the regional museums of Iraq were many of Islamic date, including decorated bronze vessels and lamps, glazed pottery, etc. None of these have yet been recovered.

Even Islamic objects which are still *in situ* and in use are at risk. One such case of theft (a success story, rather than the usual depressing tale of total loss) is that of the wooden double mimbar doors from the Ulu Camii (Aydinoglu Mehmet Bey Mosque) in Birgi, near Izmir on the west coast of Turkey. This area is perhaps better known outside Turkey for its rich heritage of Ionian and Hellenistic sites such as Ephesus, Pergamum and Didyma; but these sites make up only a small part of the total. A number of mosques in Turkey contain beautiful wooden carvings, an art form which reached its peak under early Ottoman rule. The doors in this case date to 1322 (722 Hijra) and thus fall well within the rubric of Turkish antiquities regulations, which prohibit export from Turkey of items made before 1914. The doors are a matched pair with the fronts completely covered by ornate carved plant and geometric motifs, surmounted by a line of gilded Arabic script (Fig. 1). They are only just over 1.5 metres high and each about a half metre wide, an unwieldy package but not above what could be carried by a single person.

The doors were stolen in May 1993. Details of their actual removal from the building are unfortunately unclear. But the path taken by the doors after their removal has been tracked by the Turkish authorities and New Scotland Yard. They were sent by British Airways Cargo from Istanbul to Sofia, Bulgaria, and from there to London. Ultimately, they were sent to Christie's auction house for sale, but only after they had been missing and unheard of for about two years (presumably they

were stored in a warehouse during this time, until it was assumed they were no longer being actively sought). By then, Interpol had been alerted, and detailed information about the doors, including photographs taken while they were *in situ* in the mosque, had been widely disseminated to antiquities dealers, museums, and customs authorities. An employee of Christie's was able tentatively to identify the doors which came to them as being the same as those in the Interpol information. The police were informed on 15 May, 1995, and the doors were subsequently identified for certain by Turkish officials. The complexity of the issue of illegally exported artworks is such, however, that even given the straightforward and unarguable identification possible in this case, the doors were not returned to Turkish hands until five months later, 9 November, 1995.

The success of this case rests on a number of aspects; the primary one being that there was a good photograph of the doors *in situ*, documenting their provenance and proving ownership beyond a doubt. The distinctive nature of the carving and the inscription were also important in matching the photograph to the actual objects. The cooperation of the British police, the Turkish authorities, and the antiquities dealer were also vital. This is one of the earliest cases of such fruitful cooperation between the UK and Turkey;



Figure 1. The Ulu Camii doors after recovery.

previous attempts by Turkey to involve the British police had not achieved such good results.

This success story stands in stark contrast to an earlier case of illegally exported objects from Turkey, in this case the sale of Urartian bronze objects at Sotheby's in London in the mid 1970s (as related by Rachel Maxwell-Hyslop). In the late 1960s and early 1970s, a large number of Urartian bronzes began to appear on the market in Munich and London (one estimate of the number of pieces is about 6000). Although the ancient Urartian kingdom (c. 9th–7th century BC) is located in an area now divided among the modern nations of Turkey, Iran, and Armenia, the bronzes appearing in London were identifiable as most probably coming from the sites of Giyimli and Patnos, in eastern Turkey. Giyimli in particular was known to have been systematically looted and to have contained bronze items which closely matched those arriving in London. Patnos was under excavation by a Turkish team during part of the year and had also produced comparable bronze objects, and while the archaeologists were not on the site it would have been vulnerable to looting. Sotheby's was apparently informed of the likely provenience of the objects but nevertheless persisted with their sale.

Sir James Bowker, then Chairman of the Council of the British Institute of Archaeology in Ankara, informed the Turkish Embassy of the objects in one sale, and a representative of the Turkish Antiquities Department was dispatched to London with £5000 to attempt to buy back as many objects as possible. This sale was also attended by the Turkish Cultural Attaché to London and by Mrs Maxwell-Hyslop on behalf of the British Institute at Ankara. In the event, £5000 proved not enough to retrieve all of the objects and many were bought by private collectors and thus dispersed. The catalogues of the relevant sales (8 December 1975, 12 July 1976 and 8 November 1976) described them as 'Urartian bronzes from Iran', despite the fact that Sotheby's had been informed that the likely provenance of many of the objects was Turkey. Many of the objects in fact remained in Munich and are now in the *Prähistorische Staatssammlung* of the Museum für Vor- und Frühgeschichte, where a special exhibit was put on from early September to early December 1976.

Urartian bronze statuettes, weapons, and reliefs have been collected in the West for more than

150 years. A.H. Layard, the excavator of Nimrud in northern Iraq in 1845–47, purchased several Urartian bronzes on behalf of the British Museum during his travels through the region. The objects are skilfully made and often elaborately decorated and inlaid, with an intriguing decorative style, a fusion of Assyrian and local idiom. Their popularity and attendant market demand has undoubtedly led to greater looting of sites. And meanwhile the awkward location of the Urartian sites in politically sensitive areas in modern terms has meant that not very many systematic excavations of Urartian sites have taken place. Thus we are almost in the same situation with Urartian bronzes as with Cycladic figurines, that as many unprovenanced objects are known as are well-provenanced excavated ones. And this has a devastating impact upon our reconstruction of what, exactly, makes up 'Urartian style' in metalwork. The situation is only complicated by the presence of some obvious forgeries among the known bronzes; there may be less obvious forgeries in some collections, still unknown. And since these are by default being used to formulate our concept of 'Urartian' art, they will never be identifiable as fakes.

These two cases offer an interesting contrast; why did one end in success and the other in failure? Clearly the key element is that of documentation. Since the Urartian bronzes had been looted from illegally excavated sites, there was no documentation of their origin; while the *mimbar* doors had been studied and photographed in place. The stylistic arguments applied to locate the origin of the Urartian bronzes may be persuasive but can never be conclusive. Uniqueness of the objects in question is also an important aspect. The nature of the Urartian objects (in particular such items as weapons and vessels, but to a lesser extent such items as statuettes also) is such that there are many which are broadly similar in function, scale, even artistic detail, in contrast to the *mimbar* doors with their unique carving. So what is the damage? The sale and dispersal of the Urartian bronzes, following upon their illicit excavation, destroyed a chance for better definition of and even correction of our reconstruction of Urartian art and its relationship with contemporary Scythian art and the earlier, possibly related, metalwork of Luristan. Both archaeologists and collectors have lost valuable knowledge about the past.



## In the News

In November 1997 a fourth-century BC gold phiale, bought in Switzerland by the New York dealer Robert Haber on behalf of the collector Michael Steinhardt in 1991, was confiscated by order of the US attorney. The order was made because the entry documents named Switzerland rather than Italy as the country of origin, and also because the export of the piece from Italy had taken place in direct contravention of that country's patrimony laws. This order sets a precedent as the claim to title of a 'good faith' purchaser was set aside in favour of that of the original owner, in this case the Italian government. Mr Steinhardt has lodged an appeal against the decision and is supported by the American Association of Museums and the Association of Art Museum Directors, who both argue that the 1997 decision acts to unsettle presently established museum collections and will also constitute a threat to future acquisitions. The Archaeological Institute of America has pointed out that the associations' stance is in contradiction of the ICOM Code of Ethics.

The fears of the museum associations are not without foundation. The Italian government is looking to reclaim a hoard of Hellenistic silver, acquired for the New York Metropolitan Museum for \$2.74 million by the dealer Robert Hecht (of Euphronius Krater fame). Like the Euphronius Krater, the Metropolitan claims that the silver belonged first to a Lebanese dealer, Nabil Asfar, who is himself accused in London of selling a looted relief from Nineveh. The Italian authorities claim that the silver hoard was excavated illegally at Morgantina in Sicily before being smuggled out to Switzerland in 1981.

Morgantina is also thought to be the probable source of the Greek acroliths — marble heads, hands and feet — of statues of the goddesses Demeter and Persephone bought by Robin Symes in Switzerland and subsequently sold to the New York collector Maurice Tempelman in 1980 for more than \$1 million (although it is claimed that the *clandestini* received only \$1100 for their labours). The Italian government is preparing yet another case but local schoolchildren had already in 1994 written to Mr Tempelman asking for the return of their history. Italian an-

tiquities, it seems, are now rather a risky investment, especially if their provenance is not known.

In Britain Lord McAlpine of West Green closed his business after his role in the sale of the Salisbury Hoard was made public. This important hoard of bronze objects, apparently discovered in an Iron Age context by two metal detectorists in 1985, was broken up on the market and passed through the hands of several dealers. Lord McAlpine sold part of the hoard in 1989 to the British Museum for £55,000. After an exhaustive investigation the Museum was able to piece together the story of the hoard and showed that it had been excavated without the landholder's consent, and returned those objects held by the Museum to their rightful owner — an ethically correct but not legally necessary action. In an interview with the *Art Newspaper* in January Lord McAlpine reiterated his refusal to reimburse the British Museum for their loss, arguing that he would not be able to recover his money from further up the dealing chain. Once again the public purse paid the price of the illicit trade.

The Sotheby's affair rumbled on to the end of 1997. Although the company did not reveal full details of the internal investigation which was carried out in response to Peter Watson's book *Sotheby's: The Inside Story* — at a cost of \$11 million — they did in December announce that in future they would not offer for sale any object known to have been exported illegally from its country of origin, whether or not it was imported legally into the country of sale. Thus Sotheby's have pledged themselves to go beyond what is required of them by law. The impact of this announcement was lessened somewhat as Dede Brooks, CEO of Sotheby's, revealed that the decision to stop holding sales in London was taken because the real market is now in New York. It was reduced still further when it became clear that the majority of antiquities offered up for sale in their June auction were still without provenance.

Harvard Museums have recently put on display a 1995 purchase of 182 fifth-century BC Greek vase fragments. The director of Harvard's art museums, James Cuno, argued that the pieces had probably been removed from Italy before 1971, the date at which the Harvard acquisitions code took effect, and which forbids the purchase of

material of questionable provenance. The fragments were bought on the advice of museum curator David Mitten from a New York dealer who had in turn purchased them from Robert Guy, of the University of Oxford, who could only have obtained them after 1971. Guy's name has in the past been linked to those of dealers Robin Symes and Herbert Cahn. Mitten has also purchased several unprovenanced antiquities from Robert Hecht (see above). Innocent until proven guilty claims Cuno. Guilty by association counter his critics.

November 1997 saw the opening of the prestigious Miho Museum in Japan which was attended by several well-known figures. Phillipe de Montebello of the Metropolitan and Robert Anderson of the British Museum were present, as was the dealer Robin Symes and the collectors George Ortiz, Michael Steinhardt, Leon Levy and Shelby White. Funded by the Shinji Shumeikai religious organization, the museum's collection is largely of Japanese origin although there is a substantial holding of objects from other East Asian countries, as well as from the Middle Eastern and Mediterranean areas. These latter antiquities have been acquired over the last seven years and are largely without provenance. Inevitably, the authenticity of certain objects has been called into question.

The issue of fakes was highlighted again in the strange case an Egyptian stela — the sepulchral tablet of Sheshonq — put up for sale at Christie's New York in March as a copy with an estimated price of \$200 to \$300. It sold for \$10,350. Was it genuine after all?

In an interview with Barbara Crossette of the *New York Times* in March, the Iraqi Director General of Antiquities gave a graphic account of the looting of his country's archaeology. Sites are quickly stripped by thieves who employ hundreds of bedouin or peasants to dig 'like ants'. Material is smuggled out through neighbouring countries to be sold in Switzerland, Britain and the United States. (In June Saudi Arabia returned 50 antiquities which had been smuggled across the border.) At the monastery of al-Sayda, north of Mosul, one of the oldest monasteries in the Christian world, the monks were held captive in one room while a gang emptied the attached museum of all its relics.

In the Ukraine the ancient Greek site of Chersonesos is reported to be under threat from the

activities of an 'antiquities mafia', but more worrying perhaps is the claim made to the land by the Ukrainian Orthodox Church, which has plans for the 'pagan' site to be redeveloped.

Police in Istanbul seized 188 pieces of Byzantine and Ottoman date from the house of Alparslan Kurtarici, who claimed in April that he had bought the material at markets.

Timbuktu will seem a far away place to some readers although it is very close to the concerns of the IARC. Timbuktu is situated in the Niger Valley, in Mali, and sites there continue to suffer the depredations of the market. The Malian government recently negotiated the return of a stolen twelfth-century terracotta from Jacques Chirac, although rather bizarrely it arrived back home marked as a 'gift from the president of France'. The government is also pressing for the return of two objects currently on display in the new Gallery of African Art in the Boston Museum of Fine Arts. William Teel, the owner of the figures, would not disclose their source.

In October 1997 Bavarian police raided three apartments belonging to Aydin Dikman and recovered over 4000 antiquities worth something in excess of \$40 million. Notable amongst them are more than 400 objects looted from Greek Orthodox churches in northern Cyprus soon after the Turkish invasion in 1974. They include two mosaics of the apostles Judas and Thomas which had been torn from the sixth-century church of Panagia Kanakaria and which complement those previously recovered from Peg Goldberg by the Cypriot Government in 1990. Some of the frescoes seized had been looted from the medieval Monastery of Antiphonitis. The police also recovered photographs which apparently show looters removing frescoes from walls. The police action was facilitated by the cooperation of Michel van Rijn, a former accomplice of Dikman (and a beneficiary of the Goldberg sale to the tune of \$250,000). Van Rijn also worked with the Munich-based dealer Serafim Dritsoulas whose gallery was found by police to contain nine more icons when raided in February 1998.

NJB

Information obtained from: *The Times*, *Archaeology*, *The Art Newspaper*, *The Boston Globe*, *The New York Times*, *The International Herald Tribune*, *The Guardian* and *The Observer*.



## Hatra statue and fakes

AUGUSTA McMAHON

A group of four antiquities and alleged antiquities from the Near East offered for sale via Switzerland in recent years, have been brought to our attention. Two of the group are clearly fakes, but at least one (Fig. 1), a large torso section of a limestone statue of King Abdsamya, father of King Sanatruq (II), is genuine. The statue is known to come from Hatra in northern Iraq, and its inventory number is 8.H.247. Two more fragments of the lower portion of this statue are known but have not apparently appeared on the market.\* According to reports of the Department of Antiquities in Iraq, Hatra has been looted a number of times in the last five years, and several other statues and reliefs stolen from the site have been successfully retrieved by Iraqi officials.

Of the three pieces offered together with the Hatra statue, one, a rectangular relief with three standing frontal male figures and a Palmyrene inscription along the base (Fig. 2), may be genuine. The head of the central figure is surrounded by a corona of rays which may mark him as the god Aglibol, and he is flanked by two figures wearing helmets and carrying spears and shields. The arrangement of the scene, the placement of the inscription, and the details and proportions of the figures look for the most part correct and

typical of Palmyrene artworks. Similar architectural reliefs with comparable scenes have been found in Syria at Palmyra and Dura Europus, among other sites. But a few minor details arouse suspicion, such as the scarf-like arrangement around the necks of the figures, where a fastened cloak would be more typical. And more difficult to overlook is the apparently total absence of damage to any of the figures and to the frame which surrounds them. The relief has an air of having been only recently carved.

The third, an irregular relief fragment (Fig. 3), is almost certainly a fake. It is very similar to the third register of the Middle Elamite Untash-napirisha stele from Susa (SW Iran), dating to the fourteenth century BC (see Harper *et al.* 1992, *The Royal City of Susa, Ancient Treasures in*



Figure 1. Genuine torso of statue of King Abdsamya, from Hatra in northern Iraq.





Figure 2. Palmyrene relief copy (?).



Figure 3. Copy of Untash-napirisha stele.

the Louvre, no. 80). The relevant section of the genuine stele has a similar fish-tailed figure hold-

ing nearly identical streams of water, framed on the right by a snake and at the top and bottom by horizontal bands decorated with a guilloche pattern. In the case of the piece offered for sale, the guilloche band at the top has been replaced with a pattern of chevrons, perhaps borrowed from the fourth register of the actual object, where this design appears on a tree trunk. Above that band there is a partial cuneiform inscription, while there are human figures in the comparable register on the genuine piece. There

are also two more partial cuneiform inscriptions to the right of the snake on the item offered for sale. These inscriptions are very convincing and have been copied extremely carefully from an original, perhaps from the same stele as the figure. The poses of the fish-tailed figures on the two objects are identical, and there are vases placed along the streams of water at the same points, but the head of the figure on the piece on the market is far too large for the body, and the incised details of the snake's scales seem too sloppy. If this item is a fake, as seems very likely, it is still instructive to note the effort which has been expended upon it and the type of object being copied.

The final piece is even more clearly a fake, a rectangular slab with six lines of inscription above and surrounding a box in which is a solar disk symbol, with wavy lines at the base (Fig. 4). The placement of these elements is unconvincing, though they are at least Mesopotamian in inspiration; and more obviously, the inscription is a very poor copy of the first six lines of the third (and final) column of the stone tablet of the Babylonian king Nabu-apla-iddina (from Sippar and now in the British Museum; published *inter alia* D. Collon 1995, *Ancient Near Eastern Art*, fig. 135). The decorative parts of this piece come from the same stone tablet, which



has a solar disk in a prominent position and a wavy line base for the figural scene at the top. The selection of the lines of inscription at the upper right of the original point to this forgery probably having been made by an individual accustomed to reading from right to left.

It is interesting that this group of objects included both a genuine artefact and some probable and some definite forgeries. It can be assumed that different sets of people are responsible for stealing genuine items and for creation of fakes, yet the conduit which places both on the market is, at least in this case, the same. And the effort expended on creation of the fakes has been considerable. The genuine pieces being quoted are not copied faithfully, yet the source is clear enough to be identified in two cases, as the fakes have mostly mixed together intact elements from



Figure 4. Copy of Nabu-apla-iddina tablet.

the originals. In both these cases, the originals are well-published, the tablet being quite widely cited in easily available books on Near Eastern art, while the stele is slightly more obscure but has also been published in clear photographs.

\* We are indebted to Trudy Kawami for passing along this information and the images.

## The sequestered warehouses

PETER WATSON

In January 1997, acting on the initiative of their Italian colleagues, Swiss police sealed four warehouses in the Geneva Freeport. The warehouses were understood to belong to one Giacomo Medici, an Italian businessman who had been arrested by the Carabinieri art squad, suspected of being the 'mastermind' behind an extensive operation to smuggle illicitly excavated antiquities out of Italy. Mr Medici was held for two months in Latino Prison before being released under house arrest.

The warehouses were found to contain ap-

proximately 10,000 'finely made' antiquities from sites all over Italy — they were of Etruscan, Roman, Apulian, and Campanian origin — and valued at 50 billion lira, or £25 million.

As part of the investigation by the Carabinieri (which had started in 1995, and made use of documents provided by the producers of a Channel 4 'Dispatches' programme originally obtained by an ex-employee of Sotheby's auction house) several objects were recovered in Britain, with the help of Scotland Yard. They included a Corinthian capital, a sarcophagus and a Roman bas-relief that had been stolen some years before from a residence in San Felice Circeo.

These are some of the more than sixty photographs provided by the Carabinieri, showing the objects seized. The warehouses appear to have been more than just storerooms. Two at least were set out as showrooms, with shelves, tables and



seats, presumably where prospective customers could view the objects in relative comfort. Several antiquities had Sotheby's labels attached, giving details of the sales in which they had appeared.

These objects were normally consigned to Sotheby's (and possibly to other auction houses) from three companies, all controlled by Giacomo Medici. They were: The Hydra Gallery, Christian Boursaud and Editions Services. Editions Services shared a fiduciary address with a fourth company, Xoilan Trading, owned by the London dealer Robin Symes.

Consignment notes from Christian Boursaud and Editions Services to Sotheby's in London, showed that on occasion, hundreds of objects were consigned for sale at the same time, with goods valued in excess of £250,000. Comparison of catalogue illustrations also showed that antiquities first consigned by Christian Boursaud, and which failed to sell, were later consigned by Editions Services.

The seizure of the 10,000 objects in the four warehouses is believed to be the largest of its kind ever made. It is understood the Mr Medici is to face trial in Italy later this year.

Following Mr Medici's arrest, and the seizure of the objects, and partly as a result of the Channel 4 'Dispatches' programme, the Carabinieri sent a 300-page document, a *Commission Rogatoire*, to Scotland Yard in London, requesting their cooperation in interviewing a number of British subjects, some of them employees, or ex-employees, of Sotheby's. The results of these investigations have not yet been released.

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Figure 1. View of warehouse.



Figure 2. Showroom area of warehouse.





Figure 3. Shelf of South Italian pottery and figurines.



Figure 4. South Italian krater, 4th–3rd century BC.



Figure 5. Attic red-figure cup, early 5th century BC.



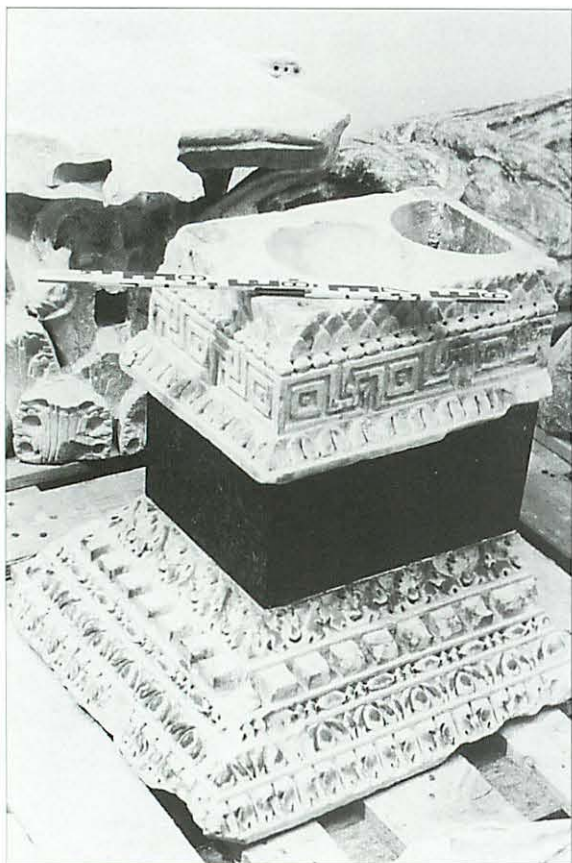


Figure 6. Architectural elements, including a Corinthian column capital.

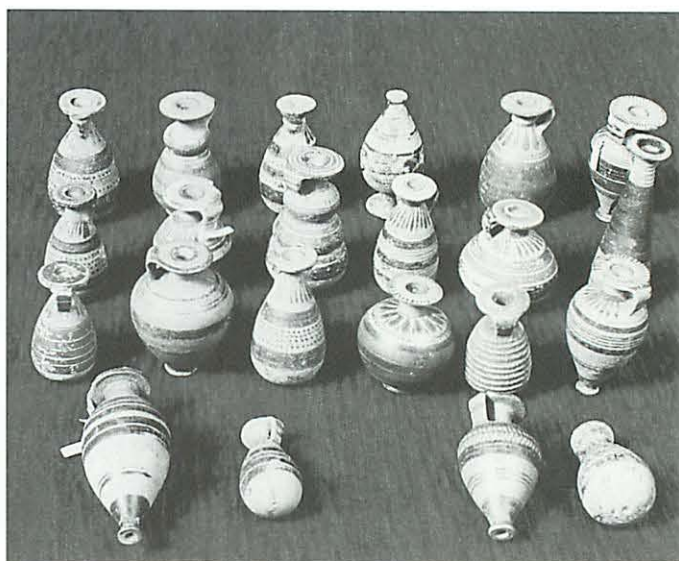


Figure 7. A group of Late Corinthian aryballoi.



Figure 8. A selection of the bronze ornaments and small vessels.



## Book Review

COLIN RENFREW

Patrick J. O'Keefe, 1997. *Trade in Antiquities: Reducing Destruction and Theft*. London: Archetype Publications & Paris: UNESCO. 134 pp.

A steady flow of books is now appearing directed in general towards arresting or diminishing the continuing looting of the world's archaeological sites. Among the most informative, particularly in view of the range of opinions expressed, was *Antiquities, Trade or Betrayed: Legal, Ethical and Conservation Issues*, edited by K.W. Tubb (London: Archetype, 1995). The present work, according to the back cover, is the result of a UNESCO initiative: 'In May 1994, the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation recommended that the Director-General of UNESCO be invited to have specialized studies made by experts to clarify issues in cultural objects that are disputed or unclear. This report on the antiquities trade is the first such study.' It offers a convenient summary of some of the issues.

In the Introduction, however, the very questionable proposition is advanced (p. 1) in the context of the commercial circulation of antiquities that: 'Satisfying demand in the short term would give time for measures to operate to lessen or redirect it in the long term . . . In the short term, demand might be satisfied by increasing the flow of objects onto the market.' There are, I know, dealers who (perhaps for obvious reasons) have advanced this dubious notion, which is further considered in the chapter entitled 'Changing the Market'.

The book is written in a series of short sections or (unnumbered) chapters, which include quite numerous and interesting quotations of different points of view, many of them from newspaper reports which are often not readily available elsewhere. There are, however, no detailed case studies of looted sites or of illicitly exported groups of objects, so that the work is

perhaps more useful as a summary than as a primary text. The treatment of the UNIDROIT Convention of 1995, for instance, takes only about one page of text, and the Convention is not quoted in full in the Appendices, which would not have been difficult. The recent volume by Lindel Prott, *Commentary on the UNIDROIT Convention* (Leicester: Institute of Art and Law, 1997) is a more thorough, and for that reason ultimately more useful, contribution in that area.

The Proposal that such matters might be improved by increasing the volume of the flow of antiquities in the market is considered on pages 66 to 75, and the whole chapter 'Changing the Market' is directed towards this notion. It flies, however, against the main point (which is nonetheless set out elsewhere, notably in the section 'Primacy of Information Retrieval') that the principal function of excavations is to provide new information about the past, not objects to fill museums or private collections.

The work is supplemented by a number of Appendices, but these are not adequately referenced: for instance Appendix II, the 'Code of Ethics and Practice of the International Association of Dealers in Ancient Art' gives no precise source or date and no commentary upon the efficacy of the 'Code'. Appendix III gives the 'Text of the British Code of Practice for the Control of International Trading in Works of Art' but again gives no date, nor does it state precisely what body promulgated the 'Code'. Its Article 5 states: 'Violations of this code of practice will be rigorously investigated'. But the 'Code' does not state by whom such an investigation will be conducted nor is the matter further discussed.

This volume may be of use as an introductory survey, for it is wide-ranging and certainly recognizes the ill-effects of looting. But it lacks circumstantial detail and has no pretensions to legal thoroughness. I find it a little odd that this rather insubstantial work should be published under the imprint of UNESCO. At the same time, any responsible treatment of this difficult subject, such as the present book, is to be welcomed.

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# Illicit Antiquities Research Centre

## Statement of Intent

The Illicit Antiquities Research Centre has been established in response to concerns expressed about the loss to our knowledge of the past caused by the illicit excavation of archaeological sites. It intends to:

1. Raise public awareness in Britain and internationally about this issue and seek appropriate national and international legislation, codes of conduct and other conventions to place restraint upon it;
2. Monitor the sale and transfer of illicit antiquities within the UK and raise public awareness of the scale of such sale and transfer overseas;
3. Develop an overview of the national and international legislation bearing on these issues;
4. Argue, as a provisional measure, for the widespread adoption of the central tenet of the 1970 UNESCO convention on the illicit transfer of cultural property, that unprovenanced artefacts which cannot be shown to have been known and published prior to 1970 should be regarded as illicit and should not be acquired by public collections whether by purchase, gift or bequest nor exhibited by them on long- or short-term loan and should not be purchased by responsible private collectors. It should be recognized, however, that local or national museums may on occasion be the appropriate repository for such unprovenanced objects as can be shown with reasonable confidence to have originated within the territory of their responsibility.
5. Seek agreement among national organizations and museums in the UK on the appropriate policy for such bodies to adopt on the acquisition, display and publication of unprovenanced artefacts;
6. Seek to cooperate with dealers and auction houses in furthering the evolution towards the understanding of such issues and the adherence to appropriate practices;
7. Work with the Council for British Archaeology and other British bodies to encourage the application of appropriate principles to portable antiquities originating within the United Kingdom;
8. Investigate and make known illicit activities relating to antiquities in the Near East, Egypt and Asia Minor and to publish such information in the periodical *Culture without Context*;
9. Select such other geographical areas for comparable investigation and publication as may be practicable;
10. Establish working relationships with data-search organizations relating to stolen antiquities (i.e. antiquities which formed part of a recognized collection from which they were stolen) as well as illicitly excavated antiquities which have not, so far as is known, been recognized as forming part of a public collection or a major and well documented private collection;
11. Promote educational measures which will stimulate and develop respect for the archaeological heritage of all nations.



# Culture Without Context



The Newsletter of the Near Eastern Project of the Illicit Antiquities Research Centre

Issue 3, Autumn 1998

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Correspondence relating to all aspects of the legal and illegal trade in antiquities is welcome; we will make an effort to print reasonable, non-libellous letters. No unsigned letters will be printed, but names will be withheld upon request.

ISSN 1464-1925

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Printed by BluePrint, Severn Place, East Road, Cambridge CB1 1HY. Tel: +44 (0)1223 314315

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## The Illicit Antiquities Research Centre

<a href="#">Statement of Intent</a>	<a href="#">News and Events</a>
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The Illicit Antiquities Research Centre (IARC) was established in May 1996, and commenced operations in October 1997 under the auspices of the McDonald Institute for Archaeological Research in Cambridge, England. Its purpose is to monitor and report upon the detrimental effects of the international trade in illicit antiquities (i.e. antiquities which have been stolen or clandestinely excavated and illegally exported). The volume of this trade has increased enormously over the past twenty years and is thought to have caused the large-scale plundering of archaeological sites and museums around the world.

The IARC will bring to the attention of the general public the scale and nature of this destruction (see [Statement of Intent](#)). It will also endeavour to create a climate of opinion which will discourage the collection of illicit antiquities by emphasising that the true scholarly value of an artefact is irreparably damaged by the loss of cultural information which is caused by its unrecorded divorce from context. Thus the primary concern of the IARC will be to reduce the loss of knowledge caused by the chronic despoliation of sites and museums. Issues of object ownership are of secondary interest but are nevertheless frequently an inseparable part of the problem.



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First mounted October, 1998; last updated January, 1999. © University of Cambridge.

Home page of the new IARC web site (see "IARC goes electronic", p.4).



The Illicit Antiquities Research Centre is a project of the McDonald Institute for Archaeological Research

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## Editorial

The main article in this issue is *Recording and preserving Gandhara's cultural heritage* by Professor Ihsan Ali of Peshawar University and Dr Robin Coningham of Bradford University. Its arrival on the editorial desk coincided with the opening of 'Asian Art in London', a series of events and exhibitions which ran from 10–21 November and in which the commercial and academic worlds joined together to present a celebration of Asian art.

Financial support was provided by 50 dealers and there were 40 exhibitions mounted in commercial galleries. Over 4000 lots were sold for over £8 million at fifteen separate auctions held by Sotheby's, Christie's, Bonhams and Phillips. Over 90 per cent of participating dealers made sales and 40 per cent of sales were to new clients, many from the United States. In commercial terms, then, 'Asian Art in London' was a great success and there was a substantial increase in the size of the market.

In the November issue of the *Art Newspaper* Robert Knox, Keeper of Oriental Art at the British Museum, suggested that one of the reasons for London's success as a marketplace was its depth of knowledge and scholarship, and during 'Asian Art in London' this academic support of the market was provided by exhibitions at six museums including the British Museum, the Vic-

toria and Albert Museum and the Brunei Gallery of the School of Oriental and African Studies (University of London).

The spectacle provided by the displays of fine antiques, carpets and textiles was spoilt, however, by the presence of a sizeable quantity of Gandharan (and other) antiquities. In their article, Professor Ali and Dr Coningham describe how for most of this century the archaeology of this area has been open to plunder and the legacy of this was all too evident in London. John Eskenazi mounted an exhibition of Gandharan art with an accompanying catalogue in which fragments of friezes and sculpture, all without provenance, were described, and the sombre tones of the sepia illustrations seemed only to emphasize the poignancy of loss. Other dealers were mentioned in the *International Herald Tribune*, on 10th November and another Gandharan antiquity was illustrated: a gold funerary mask c. 4th–5th century from Shirley Day Ltd.

The organizers are planning to hold another 'Asian Art in London' event next year. Responsible dealers and concerned academics should join together now and take action to ensure that it will be possible to enjoy a visit without again stumbling over sad and fragmentary reminders of the Gandharan past.



Neil Brodie

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*Culture Without Context* is published twice yearly. The next issue will appear in spring 1999. Subscription details are available from:

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## IARC goes electronic

<http://www-mcdonald.arch.cam.ac.uk/IARC/home.htm>

The Illicit Antiquities Research Centre is pleased to announce the launch of a dedicated Web site, through which information can be rapidly disseminated. For the last year, the IARC has been working to raise awareness in Britain and internationally about issues concerning illegal excavation, and has become a centre of information and education. Our presence on the WWW will facilitate these efforts and enable us to reach a wider audience, with material aimed, initially, towards concerned professionals and members of the public.

As well as explaining the origins and intentions of the IARC, the Web site will keep users up-to-date with news and events and make it easy to contact us. This will be particularly important in 1999 when a number of new global initiatives are planned. Thanks to a grant from *Archeonet*, the site also carries translations of the UNESCO and Unidroit conventions, with brief explanations

of their significance and history. All issues of *Culture Without Context* are also posted on-line, in searchable format.

The growing international focus on cultural property issues and increasing public awareness has lead to a rash of publications, both paper and electronic, on related topics. The *Resources* section of the IARC Web site highlights some which we have found useful during the course of our work and research, including periodicals, bibliographies, other Web sites and books.


It is clear from the international queries, news and information we already receive that there is a large global constituency interested in arresting the destruction of the archaeological heritage. It will now be easier than ever to contact us, confidentially or otherwise.


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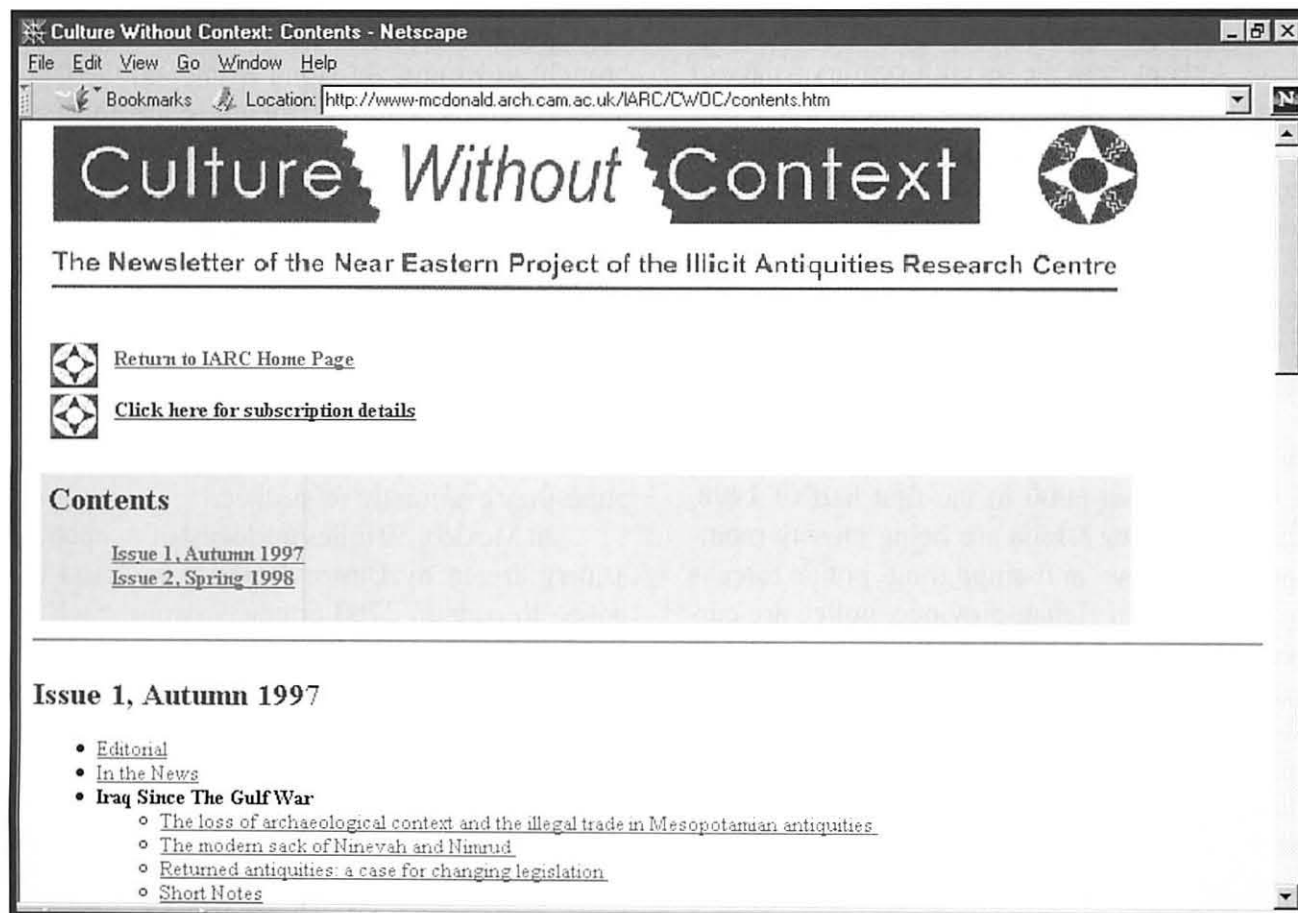
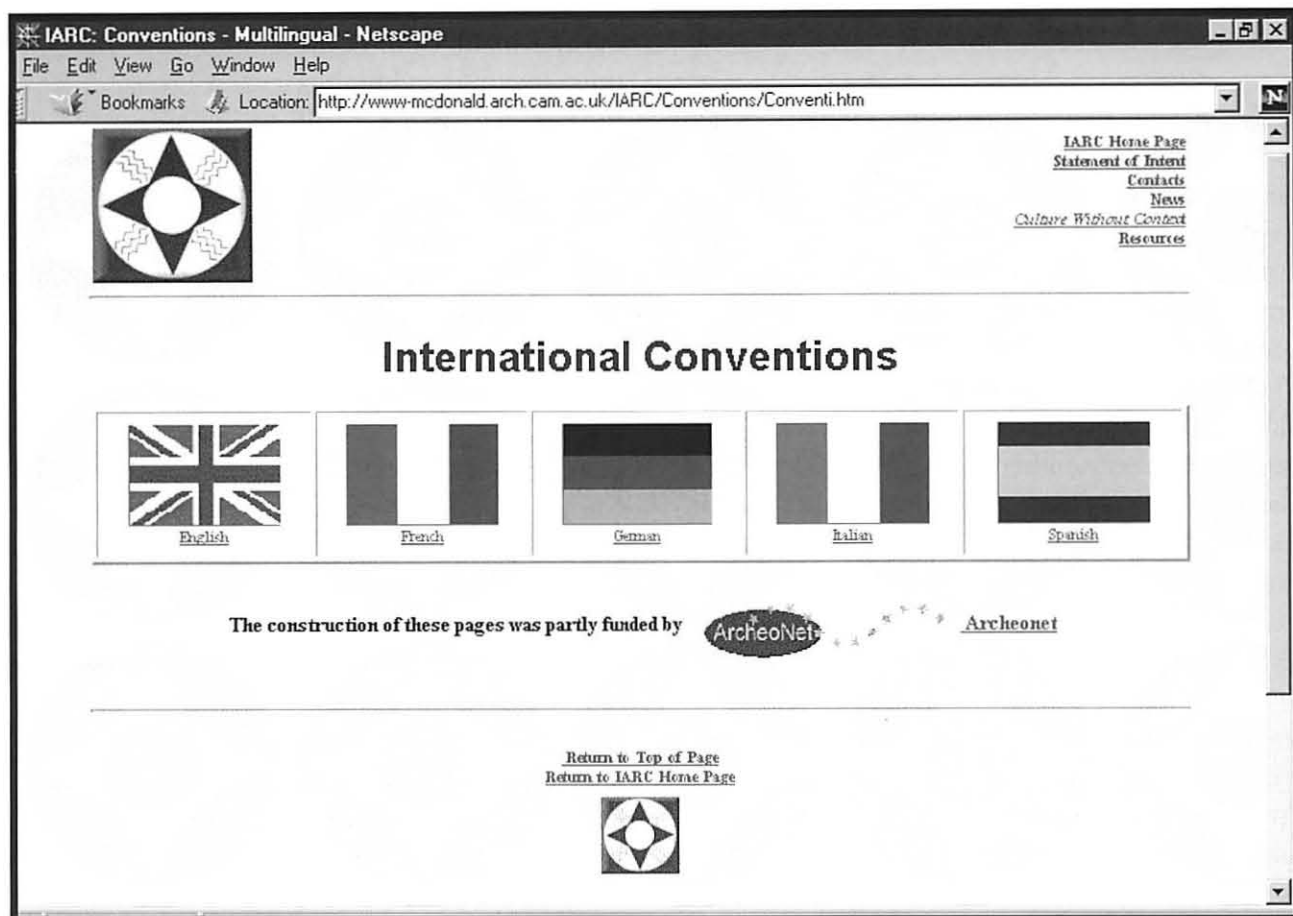
**The Illicit Antiquities Research Centre**

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## In the News

**I**t is a sign of the times that lawyers in the United States are now able to make quite a good living from the antiquities trade as the court cases continue. In Boston, William Koch and his associates (Jonathan Kagan and Jeffrey Spier) prepare to defend themselves against a Turkish accusation that the hoard of coins they purchased in 1984 for about \$3.2 million is in fact the so-called Elmalı hoard of Classical Greek coins, smuggled out of southern Turkey earlier the same year. In the New York Federal Appeals Court in October Michael Steinhardt contested the Italian government's claim to his gold phiale, allegedly discovered in Sicily but bought for Mr Steinhardt in Switzerland.

During the 1980s the phiale was in the possession of Vincenzo Cammarata who was arrested by Italian police in December and together with five of his associates was charged with conspiracy and handling stolen goods. The police recovered some 10,000 antiquities worth about \$40 million from the homes of the accused, who include two professors at Catania University — Giacomo Manganaro and Salvo Di Bella — and Gianfranco Casolari, a coin dealer from Rimini.

A relief from the seventh-century palace of Sennacherib at Nineveh has surfaced in the collection of Sholom Moussaieff, who bought it in good faith in Geneva in late 1994. The relief was identified after Mr Moussaieff sent a photograph to the Bible Lands museum in Israel. The Iraqi government is now taking legal action to recover the piece; it has also ordered a survey of damaged sites.

UNESCO reports that Chinese Customs seized more than 11,200 smuggled antiquities in 1997 and about 6000 in the first half of 1998. Cargoes leaving China are being closely monitored and a new 'anti-smuggling' police force is to be set up. In Henan province, police are currently recovering looted artefacts at an average rate of one per day and markets and auctions in several major cities have been raided. The haemorrhage seems set to continue as reports filter through from Sichuan that thousands of Han and Ming period tombs have been blasted away in construction projects and their contents looted in

the aftermath. Chinese antiquities generally continue to command high prices. A bronze flagon, for instance, dating to 206 BC, and allegedly still with its original contents, surfaced recently in Hong Kong and was offered for sale by Michael Goedhuis for £65,000. The New York Asian Art Fair in March, where many of the objects on display were reported to be new finds or items which had recently surfaced from unknown private collections, was financially a great success. The dealer Giuseppe Eskenazi was quoted in the November issue of the *Art Newspaper* as saying 'The Chinese simply do not care what is leaving the country. They have so much.' And indeed in August Gordon Reece was able to put on display for sale 90 pieces of Chinese pottery, many of which had been excavated since 1965, some as recently as 1986.

But times are changing as the Chinese authorities have now adopted a much tougher stance and such displays will be a thing of the past. UNESCO hosted its first training seminar in Beijing and Chinese officials are looking towards international cooperation to staunch the flow. One result of the new policy was the return to China in 1998 of 3000 antiquities discovered by British Customs in 1994. The material had been brought to Britain via Hong Kong and the Chinese government fought for its return through both civil and criminal courts. They ultimately reached an agreement out of court whereby the consignors returned the artefacts but did not admit to any misdemeanour. The shipment had originally contained 3494 objects, but Chinese officials believed 494 of them to be fakes or modern handicrafts. It would be useful for these objects to be publicized and their true status investigated; it will also be interesting to see in what guise they eventually re-surface.

In Mexico, 50 miles northeast of Acapulco, a lorry driven by Bustos Reyes was found by police to contain 2700 artefacts dating back to 1000 BC. Mexican authorities have also sized 400 artefacts from the collector Ignacio Ortiz which they believe to have been removed illegally from burial sites.

In October 1998, 208 Peruvian antiquities were returned home. They were seized three years ago by United States Customs in Miami, found



in a crate marked 'Peruvian handicrafts' and destined for Switzerland. Peruvian authorities have issued a warrant for the arrest of the man who despatched the crate, Rolando Rivas Rivadeneyra, but the identity of the putative Swiss recipient is not known. The episode shows again how pre-Columbian antiquities are now finding their way onto the European market since the United States imposed import restrictions following bilateral agreements reached under the terms of the UNESCO Convention. This confirms the effectiveness of the Convention in obstructing the flow of smuggled antiquities but also sadly highlights how American initiatives are undermined by the continuing failure of European governments to ratify. At the European Fine Art Foundation (TEFAF) autumn fair in Basel, five of the twenty new exhibitors were specialists in ethnographic and pre-Columbian art and further

growth in pre-Columbian art was predicted. 'We are talking high profits, low risk' said Carol DiBattiste, Deputy US Attorney for south Florida, in the November issue of the *Art Newspaper*.

Also in October a newly discovered neolithic tomb near the village of Mourèze in southern France was looted. The local mayor was moved to express his disgust with the human race but hopefully his mood lightened when the contents of the tomb were returned within 24 hours. There is some honour amongst (some) thieves after all, although the damage had already been done by removing the objects.

NJB

Information obtained from: *The Times*, *Archaeology*, *The Art Newspaper*, *The Boston Globe*, *The New York Times*, *The International Herald Tribune*, *The Guardian* and *The Observer*.

## Pity the poor middlemen

NEIL BRODIE

The illicit trade in antiquities is clandestine. Transactions are hidden from view and provenance is lost as a result, but the economics of the trade are also obscured and it is not clear what profits are realized over what period of time and who, in financial terms, really benefits. Furthermore, when collectors don their humanitarian mantles to argue that their purchase of antiquities injects money into hard-pressed local economies, it is not possible to assess how much of their revenue does actually trickle down.

Over the years a number of cases of illicit trading have been investigated, usually when a valuable 'treasure' has been reclaimed or its status questioned, and several exchange chains have now been revealed. Although these high-profile cases are not representative of the illicit trade as a whole, they do provide some information about what sums of money change hands and what profit margins exist, and for that reason they are collected together here.

First there is the now notorious Euphronius Krater, the 'hot pot' of Hoving (1993, 307–40),

bought by the Metropolitan Museum in 1972 from Robert E. Hecht for \$1 million, but now thought to have been removed from an Etruscan tomb in 1971 (Meyer 1973, 88). The *tombarolo* who first excavated the vase claims to have received only \$8800 for it (Slayman 1998, 44).

The golden phiale of Achyris, from Caltavuturo in Sicily, and presently impounded by US Customs, was bought for \$1.2 million in 1991 by Michael Steinhardt from the Zürich-based dealer William Veres with Robert Haber acting as an intermediary. Veres had acquired the phiale sometime after 1988 in exchange for artworks valued at about \$90,000 from Vincenzo Cammarata, a Sicilian coin dealer, who had in turn obtained it in 1980 from a fellow Sicilian Vincenzo Pappalardo in exchange for goods worth about \$20,000 (Slayman 1998; Mason 1998).

Also from Sicily are the Morgantina acroliths, excavated in 1979 by *clandestini* who sold them for about \$1100. The pieces were subsequently purchased in Switzerland by Robin Symes who sold them on to Maurice Tempelman in 1980 for more than \$1 million (Robinson 1998; D'Arcy 1998).

In 1988 a Turkish farmer sold a broken marble sculpture of Marsyas to the dealer Ali



Kolasin for \$7400. The piece was then smuggled out of Turkey and displayed for \$540,000 in New York by Jonathan Rosen. After he was shown that the object was stolen Rosen donated the statue to the American-Turkish society and it was subsequently returned to Turkey in 1994 (Rose & Acar 1995, 55).

Finally there is the case of a Song Dynasty head, stolen from the Yongtai tomb in Henan province, China. According to US Customs, it was sold first in 1996 in Guangzhou for about \$840 before being moved to Hong Kong. There it was bought by an American dealer who in 1997 offered it for sale in San Francisco for \$125,000, whereupon it was seized by the US authorities (Maggio 1998).

These figures are summarized in Table 1, which shows the initial and final prices realized, together with the period of time that elapsed between sales.

Figure 1 shows what percentage of the final market price was received by the original finder/ excavator/thief. It is clear that in all cases over 98 per cent of the final price was destined to end up in the pockets of the middlemen. The original finder received very little and the final buyer can hardly claim to have obtained a bargain. These percentages are not unusual: it has been observed for instance that in the Petén looters received about \$200–\$500 each for vessels which might ultimately be sold for \$100,000 (Hansen 1997, 48). It is also alleged that William Koch and his associates paid roughly \$3 million for the major part of the Elmalı hoard while one of the original three finders, Ahmet Ali Senturk, received only \$80 and a year in jail (Kornblut 1998).

Of course, the entire profit is not always taken by a single middleman — often there is a chain of transactions. But still, the profits involved are significant. The details of the Achyris

	Initial price (US\$)	Final price (US\$)	Time lapse (years)
Achyris phiale	20,000	1.2 million	11
Morgantina acroliths	1100	1 million	1
Statue of Marsyas	7400	540,000	less than 6
Euphronius krater	8800	1 million	1
Yongtai head	840	125,000	1

Table 1. The rising price of illicit antiquities.

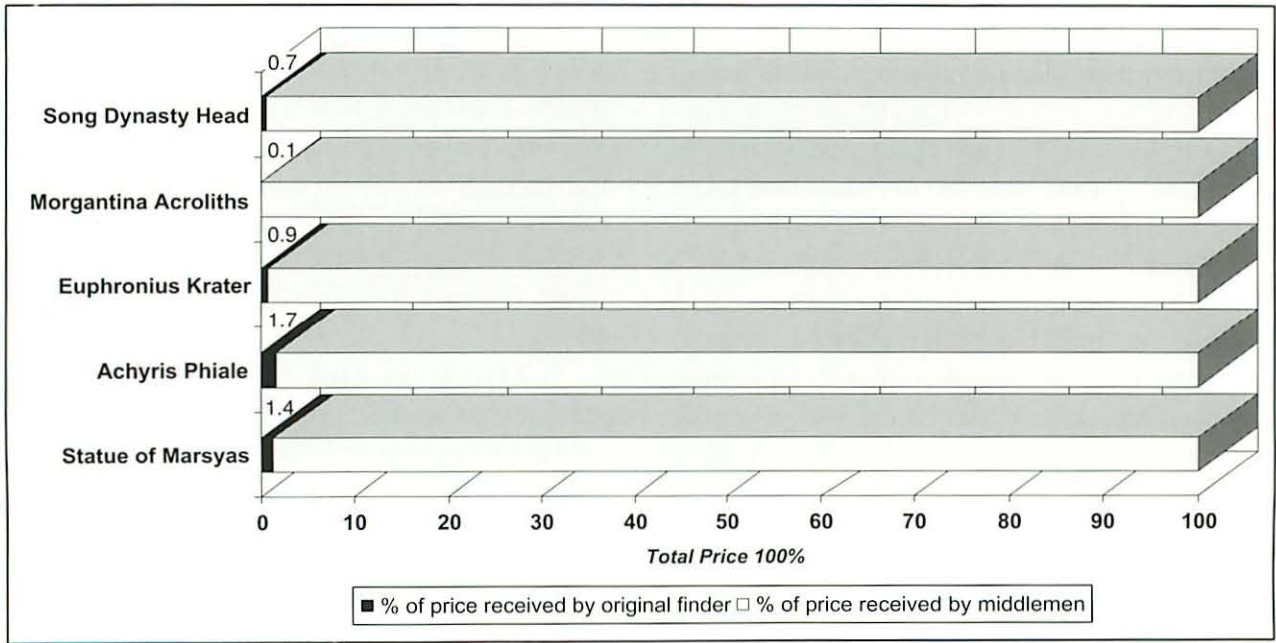


Figure 1. The percentage of the final market price of an antiquity received by the original finder.

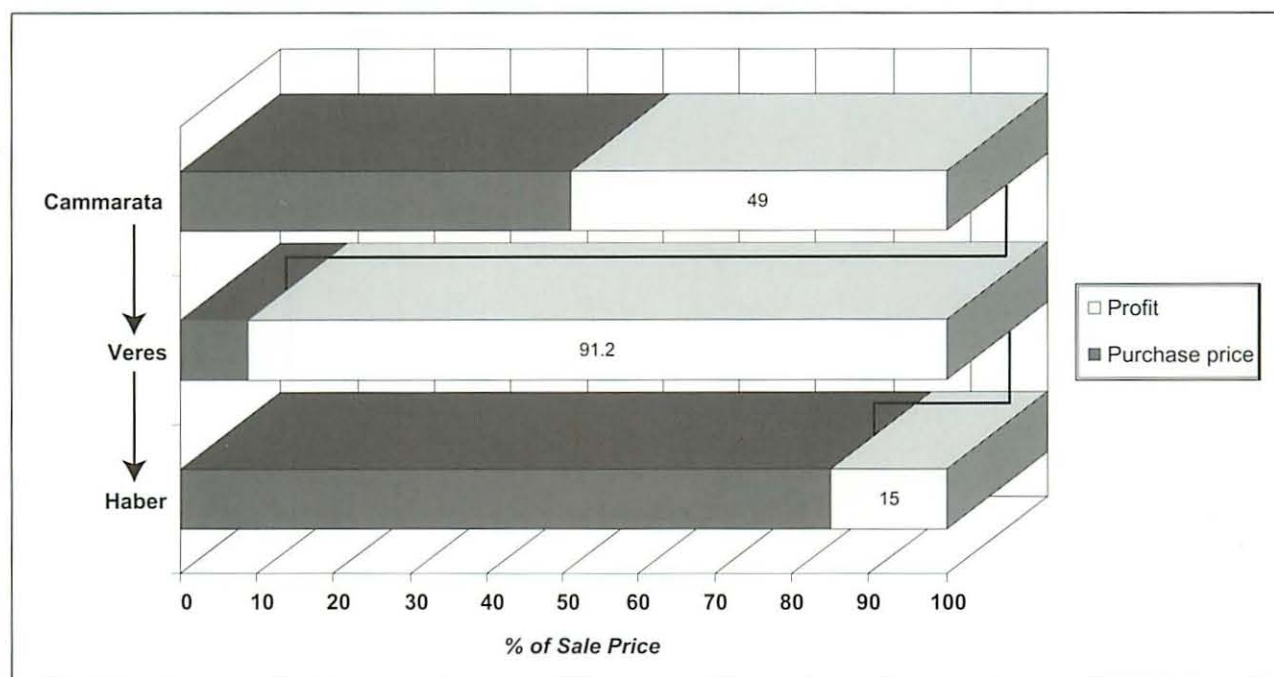


phiale are reasonably clear and are set out in Figure 2. The largest profit was made by William Veres, who bought the piece in Italy and sold it in Switzerland, so that his high profit margin probably reflects his equally high burden of risk or cost incurred when transporting the piece across the Italian border. It is worth noting for purposes of comparison that the normal percentage of the selling price taken as commission by Sotheby's auction house from a legitimate sale varies between 18–26 per cent depending upon price. Half is taken from the buyer and half from the seller.

These figures reveal the simple truth of the illicit trade in antiquities — there are large sums of money to be made, more than by legitimate trading, and very little of the proceeds ever reach the original finders. It is also likely that these large sums, derived ultimately from rich collectors, sustain the smuggling networks which support the illicit trade. Collectors are, as Elia (1993) says, the real looters; but the middlemen are the main beneficiaries.

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**Figure 2.** Profits realized by middlemen handling the Achyris Phiale. (To allow for appreciation the price paid by Cammarata has been adjusted upwards by 7.2 per cent per year for the eleven years it was in his possession. It has been estimated that 7.2 per cent was the average annual appreciation of the British Rail Pension Fund's collection of ancient glass over the same period of time [Antiques Trade Gazette, 13 December 1997, 7]).

## Recording and preserving Gandhara's cultural heritage

IHSAN ALI & ROBIN CONINGHAM

The term Gandhara refers to the ancient name of the region which stretches from the Kabul valley in the west to the Indus valley in the east (Fig. 1). The pivot of routes to southern, central, eastern and western Asia, its strategic position is testified by its presence as the Achaemenid empire's most easterly province in the sixth century BC and the southern edge of the expansionist USSR in the 1980s (Allchin 1992; Dupree 1980). Occupied historically by successive dynasties of Seleucids, Mauryans and Indo-Greeks, by the second century AD the region was absorbed into the Kushan empire. The Kushans, or Yuezhi as they were first known, were apparently a nomadic central Asian tribe which settled and established

a small kingdom in Bactria in the second century BC (Allchin & Cribb 1992). By the rule of the emperor Kanishka in second century AD, they had transformed this provincial holding into a massive empire which stretched from Central Asia to the Indian Ocean. During its ascendancy, from the first century BC to the third century AD, the Kushan empire had an important impact on the region's urban planning and religious patronage. In particular, the Kushans established a series of vast dynastic urban foundations, such as the cities of Sirsukh in Pakistan, Dalverzin-tepe in Uzbekistan and Begram in Afghanistan (Litvinsky 1994); whilst still developing other established urban sites, even minor ones such as Tilaurakot and Bhita. Although remnants of the Kushan dynasty still ruled parts of Kashmir and the Punjab as late as the fifth century AD, the provinces of Bactria and the upper Indus were annexed by the expansion of the Sasanian empire under its founder Ardashir I (r. 224–240 AD) (Allchin & Cribb 1992). The region continued to flourish under successive rulers until its established socio-economic frameworks were destroyed by the

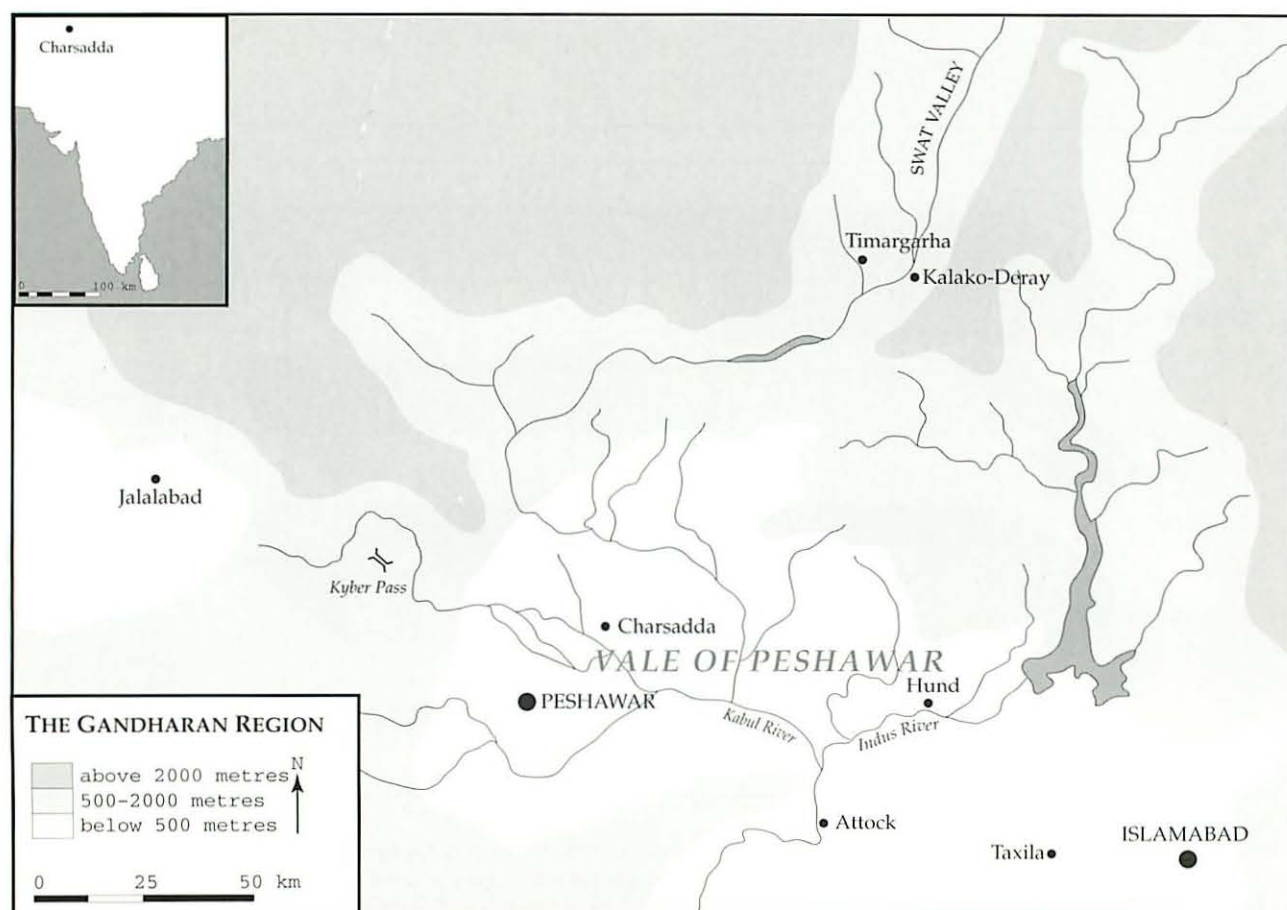


Figure 1. Map showing the region of Gandhara.



incursions of the Hephthalites or White Huns in the fifth century AD (Allchin & Cribb 1992).

Gandhara is also the term given to this region's sculptural and architectural koine between the first and sixth centuries AD, first initiated by the Kushans (Harle 1992; Pugachenkova *et al.* 1994; Zwalf 1996). In addition to the creation of major dynastic cult centres, such as the monumental fire temple at Surkh Kotal in Afghanistan, this period represents the renaissance of Buddhism within South Asia, with the creation of new religious complexes, at sites such as Takht-i Bahi, Hadda, Begram, Taxila, Peshawar, Swat and Mathura, or in the restoration and expansion of the shrines of Lumbini, Ramgrama and Sanchi (Harmatta *et al.* 1994a). This development resulted in the spread of the Kushan's brand of Mahayana Buddhism into central and eastern Asia along the silk route (Harmatta *et al.* 1994a). Largely associated in Pakistan with Buddhist veneration, the Gandharan style contains an eclectic variety of elements as summarized by Pugachenkova: 'It absorbed the earlier Graeco-Bactrian traditions current in the area and was also receptive to ideas and trends of the contemporary West through international trade and commerce' (Harmatta *et al.* 1994a, 371). Mass-produced, it was, in Wheeler's view, an art of mass-communication which was both devotional and instructive. Antiquarian interest in South Asia began with European officials attempting to identify topography with reference to classical sources, and it is therefore no surprise that the discovery of Gandharan art in the nineteenth century sparked off great interest: 'nostalgic Western expatriates . . . attuned it uncritically to their predominantly Classical educations' (Wheeler 1968, 150). Such a category of art was clearly collectable, and large public and private collections were assembled. The Queen's Own Corps of Guides, for example, amassed a collection to decorate their mess at Mardan which was later presented to the British Museum. Collecting Gandharan art was reduced by the subsequent establishment of the Archaeological Survey of India, the Treasure Trove and various antiquities acts, but has recently reached a new crescendo. This has resulted in the looting of hundreds of sites in northern Pakistan and Afghanistan. Indeed, one scholar has suggested that there was a positive correlation

between the acceleration of robbing in this area and the absorption of a number of smaller northern states into federal Pakistan in 1969, stating that it had 'led to a significant acceleration in the erosion of the cultural heritage of the valley (Swat), which was no longer protected by the strict discipline imposed by the Wali of Swat and the Nawabs of Dir' (Khan 1995a, 2).

Clearly such claims are unsupported if one examines the reports of Sir Aurel Stein who visited the Swat valley 70 years previously:

Much regrettable damage and loss have been caused . . . in tribal territory and elsewhere along the Peshawar border, by 'irresponsible' digging for remains of that Hellenistic sculptural art which once adorned all Buddhist sanctuaries of this region. How destructive such digging usually was and how often much of the spoil, when sold to amateur collectors, was ultimately scattered or destroyed, is a story too sad (Stein 1929, 17).

Recording that a large number of sites in the valley showed 'grievous signs of such exploitation', Stein commented on the clear antiquity of some of the damage, as well as noting that more recently recovered objects of value were either melted down or transported to dealers in Rawalpindi or Peshawar (Stein 1929, 39). Wheeler, too, refers to the many 'Western expatriates who collected it abundantly from the soils and bazaars of the busy frontier region' (Wheeler 1968, 150). These comments were echoed by Professor Dani of Peshawar University who conducted a survey of the Chakdara region of the valleys of Swat and Dir between 1962 and 1965 (Dani 1971a). Surveying fourteen Buddhist sites, he noted that six had 'been robbed of sculptural treasures' (Dani 1971a, 9) and that some of these sites had 'been given to spoliation for more than a century' (Dani 1971a, 7). Such was the concern that 'antiquities were already pouring out of these regions with astonishingly rapid speed' (Rehman 1971, 119) that the Political Agent to Dir State appointed an inspector 'to go about in the State, detect the treasure hunters and find out the places where they stealthily rob the art materials in the darkness of night' (Dani 1971c, 65) as well as inviting the University of Peshawar to survey, record and excavate threatened sites. Indeed, when Professor Dani arrived at one site to

start excavating in 1965 he commented that: 'I examined Andandheri, which for a century had been robbed of its art treasures. Even on the day, when I went to see the site, a local contractor was busy in removing the sculptures for sale in the open market' (Dani 1971b, 33). More recently, the Government of Pakistan has again attempted to stem the looting through the creation of a collaborative program of study, documentation and protection of monuments within the region under the auspices of the Gandhara Archaeological Project. This resulted in the Department of Archaeology of the University of Peshawar and the Federal Department of Archaeology and Museums agreeing to conduct an archaeological survey of the Vale of Peshawar and its adjacent areas. As a result Peshawar, Nowshera, Charsadda, Mardan and Swabi districts were surveyed, although to date the results of only two surveys, Charsadda and Swabi, have been published (Ali 1994; Khan 1995b).

The survey in Charsadda District identified a total of 144 sites, of which 75 can be tentatively identified as sacred sites, that is Buddhist stupas, shrines and monasteries (Ali 1994). Many of these sacred sites, 35 in number, have been badly damaged or completely destroyed by illegal excavations for antiquities (Fig. 2). In addition to furnishing us with actual statistical data for the destruction of sites, the reports of inhabitants and informants allow a better understanding of



*Figure 2. Damaged site at Rajar Dheri, Charsadda.*



*Figure 3. Members of the Provincial Department of Archaeology, Government of NWFP, halting illegal digging at Shaikhani Dheri, Charsadda.*

the dynamics of looting (Fig. 3). The land was variously owned either by individuals, such as Maluk owner of Kanizaka (Ali 1994, 19); by tribes, such as the Alim Zai ownership of Khar Bandai (Ali 1994, 8); by the government, such as the school at Ibrahim Zai (Ali 1994, 17) or the Police station at Khan Mahi I (Ali 1994, 20) and the Irrigation Department resthouse at Utmanzai (Ali 1994, 21); or might even be in collective village ownership, as at Hindu Kamar (Ali 1994, 44). Some sites had been excavated by farmers or villagers living in the vicinity, as in the case of





*Figure 4. Damaged monastic complex at Aziz Dheri, Swabi.*



*Figure 5. Damaged stupa dome at Shnaisha, Swat.*

Bajuro Kili (Ali 1994, 26) and Khar Bandai (Ali 1994, 39), but others appear to have attracted individuals and groups from further afield. Sculptures from the site of Spinawrai, for example, were first excavated in the mid-1980s by an individual from Mardan but more were found as recently as 1992 by a group from Peshawar and Charsadda (Ali 1994, 40). Groups from Peshawar were reported to have worked at Jhara Sikandar Abad (Ali 1994, 45). Whilst some excavators only worked at night as at Utmanzai (Ali 1994, 43), informants reported that very large groups of individuals were daily engaged in illegal excavation

at other sites. As many as 60 people were present at Mra Dherai (Ali 1994, 42). Whilst some sites were worked by hand, others were robbed with the use of bulldozers (e.g. Rai Dherai 1; Ali 1994, 16). It is increasingly reported that some individuals are now using metal detectors. The Swabi District survey has provided a similar picture and the surveyor stated that 'As elsewhere in the province, the rich cultural heritage represented by Buddhist stupas and monasteries has been severely disturbed by antiquity robbers' (Khan 1995b, 90). Of the 102 sites identified by the survey, 32 were classified as sacred or Buddhist sites. Fifteen had been badly damaged by illegal excavators seeking sculpture although one, Aziz Dheri (Ali 1994, 106) has since been the focus of salvage excavations by the Provincial Department of Archaeology (Fig. 4) and another, Dalurai, is now

protected by the Federal Department of Archaeology and Museums (Ali 1994, 109). The site of Hund on the banks of the Indus has also been the subject of rescue excavations conducted by the University of Peshawar in 1996.

The picture within the northern valleys of Buner, Chitral, Dir and Swat is less clear and the results of the 1980 surveys of these areas by Dr Abdur Rehman and Mr Farid Khan are keenly awaited. Under the auspices of the Gandhara Archaeological Project, a number of the threatened survey sites, Butkara III, Shnaisha and Marjanai, were excavated by the University of Peshawar



(Rehman 1993; Khan 1995a). The excavator of Shnaisha, Professor Abdur Rehman, stated that it 'has been well known to art robbers in Swat as a rich source of sculptures. Consequently it was plundered several times in the past . . . Some people in the neighbourhood who had actively participated in these plunderings as hired labour are still alive' (Fig. 5) (1993, 12). Such was the reputation of the site that during the excavation, five looters were arrested by the police after 'a gang of armed robbers raided the site,



*Figure 6. Damaged stupa at Malam Jaba, Swat.*

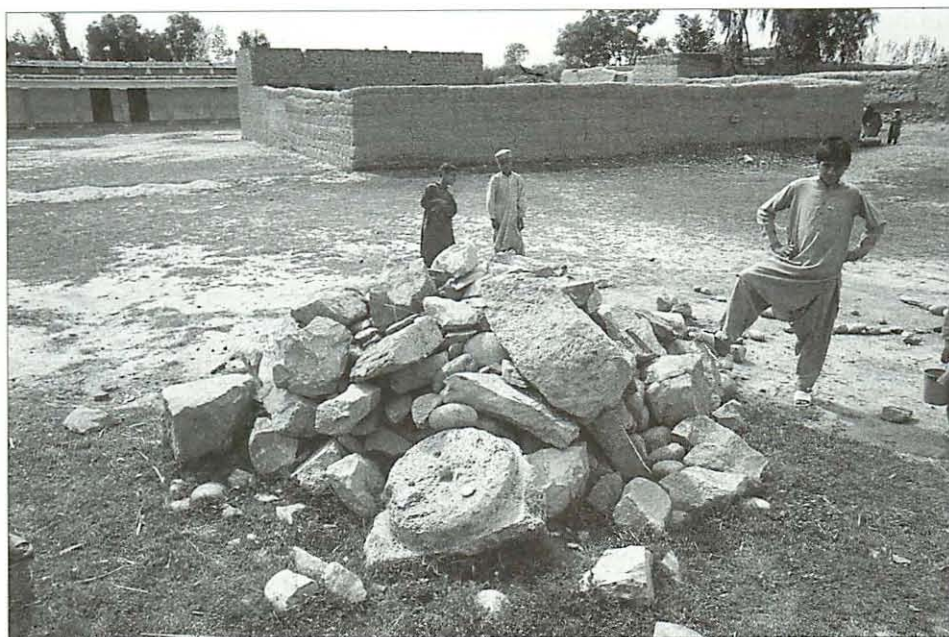
tied up the watchman and started digging for themselves' (Rehman 1993, 14). Even in the absence of the survey reports of Rehman and Khan, it is possible to refer to the survey of Dr M. Ashraf Khan of the Federal Department of Archaeology (1993). He studied 17 of the best preserved Buddhist monuments in the Swat valley and recorded that a total of 11 (Shnaisha, Malam Jaba (Fig. 6), Gumbatuna, Sisaka Kandaro Patay Dadahara, Shingardar stupa, Barikot, Tokardara, Abba Sahib China and Topedara) had been disturbed and damaged by sculpture robbers and clandestine diggers (Khan 1993). Whilst a number of the sites had been excavated in antiquity, Khan relates that the recent scale of illegal digging has forced the Federal Department, the University of Peshawar and the Italian Mission to mount emergency salvage excavations and summarizes the situation:

Unfortunately, the treasure hunters, who are actively busy in the clandestine dealing of antiquities, have robbed these sites for many years and have taken out unique antiquities to foreign countries in their lust for money. These antiquities hunters have destroyed the sites to such an extent that now it becomes impossible to reconstruct their sequence and chronology (Khan 1993, 17).

Whilst some illicit excavators have used the sculpture for utilitarian purposes, such as a pillar support at Mani Khela (Ali 1992, 41), or have

destroyed it, as at Sandasar II Chena (Ali 1992, 48), much has been sold. Some has been disposed of locally as recorded from Ghazgi Spinawari Dherai (Ali 1992, 44), but much material is recorded to have been sold in Peshawar as in the case of sculpture from Ghazgi Spinawari Dherai (Ali 1992, 44) and Pappu Dherai (Ali 1992, 47). Indeed, an informant from the latter site reported that his main profession for decades has been the illegal excavation of materials and that most of this material was then sold in Peshawar (Ali 1992, 47). Less information is available on the dispersal of antiquities from the Swabi survey region, but Shah Nazar Khan states that sculpture from one site, the Tarbela Dam Pump House, now in Japan, had been published by the collector, Kurita (Khan 1995b, 108) and that informants at Bruj stated that 'stucco images of the Buddha were recovered and smuggled out of the country' (Khan 1995b, 106). The availability of a fake sculpture from Kalu Khan and a fake Kharosthi inscription from Charbagh illustrate the quantities of imitation sculpture and artefacts which have been manufactured in an attempt to meet the market demand (Khan 1995b, 168). Khan comments that quantities of sculpture from one particularly rich site, Naranji, has 'led to a sharp increase in the price of the land on and around the site' (Khan 1995b, 107). It is also interesting to note that at one site, Khrakhpā, the survey team recovered two headless Buddha torsoes (Khan 1995b, 105),





**Figure 7.** Robbed-out masonry at Shaikhan Dheri, Charsadda.

perhaps indicative of the practice noted in Buner by Professor F.A. Durrani, Vice-Chancellor Emeritus of Peshawar University, where dealers ‘unable to take the whole sculpture, detach the head with the help of a sharp steel saw’ (Durrani undated,4).

The presence of large quantities of Gandharan sculpture on the art market in East Asia, Europe and the United States is unsurprising. Recent material advertised in London within the *British Museum Magazine*, the journal of the British Museum Society, has included a 29 cm high stucco Buddha head with a provenance of Afghanistan (British Museum Society 1997a; 1998), a 1.25m high standing Bodhisattva from Pakistan (British Museum Society 1996; 1997b,c) and a female deity holding a lotus from Sahri Bahlol in Pakistan (British Museum Society 1994). A further 29 lots of Gandharan sculpture were advertised for Sotheby’s New York September 1998 auction, demonstrating again the wide-scale availability of material. Examples ranged from detached Buddha heads (lot 49) to monumental Bodhisattva figures (lot 11) (<http://www.sothebys.com/search/index.html>). Also advertised on the web are a schist panel from northeastern Pakistan (<http://www.asianart.com/eskenazi/image18.html>) and a silver reliquary from Pakistan (<http://www.asianart.com/jsinger/stupa.html>).

Whilst looting represents a major threat to

the cultural heritage of Pakistan, it is also clear from the surveys that a number of other factors should also be taken into account. These factors are fuelled by population expansion and include the demand for building materials, more land for cultivation, more land for housing and more land for graveyards! The data from the Charsadda survey demonstrated that although 89 of its 144 surveyed sites had been badly damaged or destroyed, illegal looting

only accounted for 26 of these (Ali 1994). The balance included sites, such as Ghrumbak (Ali 1994), which are now used as graveyards; one site which had been levelled for cultivation; and a further 27 sites, such as Kula Dhand (Ali 1994, 8), which had been covered by modern housing — a phenomenon made worse by the presence of large numbers of Afghan refugees (Ali 1994). This pattern is repeated in the data from Swabi, where just under half of the 31 sacred sites and a further 5 non-sacred sites had been destroyed by illegal excavations. The total number of sites destroyed by illicit excavation (20) is, however, put into perspective by the count of sites destroyed by other activities. Of the 102 surveyed sites one, Burjo Kanai, had been used as a source for brick-making (Khan 1995b, 92), 17 had been levelled in order to provide cultivable land (e.g. Rasuli: Khan 1995b), three had been destroyed in order to sell the stone for building materials (e.g. Panjpir Dherai: Khan 1995b, 107) (Fig. 7), seven had been converted into graveyards (e.g. Ittam Dherai: Khan 1995b, 93), two had been badly damaged by the construction of new canals (e.g. Putraki Dherai: Khan 1995b, 94) and six had been built over (e.g. Qadami Dherai: Khan 1995b, 95). Some had even been used as the sites for new villages for people displaced by the Tarbela Dam project in 1971 (e.g. Nakra Dherai: Khan 1995b, 96; and Kaya: Khan 1995b, 99). Again this is not necessarily a new type of threat.

Stein recorded that a large number of sites in Swat had been destroyed for building stone (1929, 31) as did Dani some forty years later (1971). Wheeler noted a similar phenomenon at the city site of Shaikhani Dheri in 1958 (1962, 16) as well as the damage caused to the Bala Hisar of Charsadda by local villagers cutting into the mound for top-dressing for their fields in 1944 (Wheeler 1962, 10). The Government of Pakistan, through the Federal and Provincial Departments of Archaeology and the Universities, and a number of NGOs, such as the National Heritage Foundation, is rapidly and positively responding to these threats to its cultural heritage — a response which should be more widely recognized and applauded. However, as noted by Professor Durrani, these efforts are limited by scarcities of material resources. Assistance is needed in both the national and international arenas and it has been suggested that whilst the UNIDROIT Convention may address some of the international aspects, the underlying local factors may be best addressed at grass-roots level by the establishment of local museums in order to raise the awareness of local cultural heritage (Ali 1994, 6). The attrition caused by well over a century of collecting must be slowed down or stopped. If it is not, we should heed Professor Taj Ali's words:

If we do not act promptly, even the few remaining vestiges of the Gandharan civilisation which have survived the depredations of illegal excavation, will disappear from the face of the earth (Ali 1995, i).

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## Cyprus mosaics

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**I**t now looks as though Michel van Rijn will not give evidence in the case of Aydin Dikmen. Van Rijn, was the Dutch art dealer who master-minded the 'sting' in October 1997 which led to the arrest of Dikmen, a Turkish dealer living in Munich, and the recovery of several frescoes, mosaics and icons looted from churches in Cyprus after the invasion of the Turks in 1974. Van Rijn is currently living under police protection at an undisclosed address in London, and has reportedly received death threats from unspecified sources but he has settled his differences with the Republic of Cyprus and the Autocephalous Church of Cyprus over the fee he had charged for his part in the recovery.

For obvious reasons van Rijn is not anxious to give evidence against the Turk who, if convicted, faces up to fifteen years in prison. However, van Rijn has made available to the Cypriot authorities (who are seeking the extradition of Dikmen to Cyprus, where he will face additional charges) a fake mosaic of St Andreas which van Rijn says Dikmen sold to him. Van Rijn had been holding this back as a bargaining ploy with the Cypriot authorities, because under German law the sale of fake goods is a very serious but

quite separate offence from handling stolen material. This means that, in theory at least, Dikmen faces an even longer sentence if found guilty.

The existence of the fake St Andreas also implies that the real mosaic is still missing. The Cypriots are being kept guessing as to whether the real version is still owned by Dikmen or is in van Rijn's possession. Either way, it appears that although three addresses belonging to Dikmen have already yielded 50–60 crates of material, containing 139 icons, 61 frescoes and four mosaics, valued at around \$40 million, still more material could come to light, given the right circumstances. (An estimated 15,000–20,000 icons and several dozen frescoes and mosaics disappeared after the invasion.)

As this issue of *Culture Without Context* went to press, it was reported that lawyers for Dikmen were trying to negotiate a deal with the various authorities. This, presumably, would involve a shorter, or non-custodial sentence for Dikmen, in return for the handing over of more material. The case of the Kanakaria mosaics is still far from complete.

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## Conference Report

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**Art, Antiquity and the Law: a conference held at Rutgers University 30th October–2nd November 1998**

A distinguished audience gathered for this two and a half day meeting to consider and debate the legal and practical aspects of the looting of archaeological sites and the licit and illicit movement of antiquities across national frontiers. The conference was structured around a series of sessions devoted either to regional reviews or thematic panels. Seven regions were selected for particular focus: the Middle East, Africa, China, Italy, Latin America, the Ukraine and Bosnia-Herzegovina. Not all were afflicted by the same problems. In the Middle East, the chief cause of current problems was recognized as being international sanctions against Iraq, especially those which prevented the Iraqi antiquities department from protecting or recording threatened archaeological sites. Calls were made for the modification of international sanctions to supply the Iraqi antiquities officials with the materials and equipment they need to combat the current crisis.

The scale of antiquities looting in many African and Latin American countries was once again underlined. African speakers were concerned, however, to demonstrate the falsity of the notion that Africa 'deserves' the looting because it cannot protect its own antiquities. Both here and in Latin America, campaigns of local education had been shown to be effective in recruiting local support to protect archaeological sites against the depredations of looters. In Mali, for example, missions of Education and Interdiction had been effective locally in suppressing looting, though shortage of resources (including personnel) were hampering efforts to develop this approach to its fullest potential.

Very different again were the problems faced in Bosnia-Herzegovina, where ethnic conflict had led to the systematic and intentional destruction of the cultural and religious monuments of certain ethnic groups. It was suggested that this should be combated by classifying in-

tentional destruction of the cultural heritage as a crime against humanity.

The thematic panels considered more general questions, including how museums should respond to the growth of antiquities looting, and the effectiveness of UNIDROIT and other measures in suppressing the illicit traffic. Museums were concerned that procedures should be changed to allow longer-term loans of material from antiquities-rich countries to western museums. For suppressing the illicit traffic, the importance was stressed of bilateral agreements, such as those between the US and Guatemala. A recurrent theme was the need for stronger sanctions to oblige would-be purchasers (whether dealers, collectors, or museums) to take responsibility for checking thoroughly the legitimacy of any objects they wished to acquire. The phrase 'due diligence' was one which commanded general approval among participants — that a would-be purchaser must exercise due diligence to ensure that the object in question had not been stolen or illegally exported or imported from its country of origin.

The conference ended with the adoption of a series of five resolutions, arising from the debates of the previous days:

1. Believing that the ethical and legal acquisition of ancient art and artefacts is in the best interests of institutional and private collectors in their role as stewards of the cultural heritage, and benefits both public education and international cooperation, we urge that:

- Museums, dealers, and collectors should adopt and adhere to the principles of the International Council of Museums (ICOM) Code of Ethics, implementing acquisition procedures to the highest feasible standards of due diligence, in order to sustain a licit exchange and trade in such objects.

2. Convinced that the looting of antiquities deprives them of their historical context and causes the destruction of archaeological sites, we encourage nations rich in antiquities:

- Not to lend works of art and antiquities to museums that continue to acquire looted materials illegally removed from those nations.

3. Convinced that the international exchange of cultural property is of great importance for stimulating understanding and respect for foreign



cultures and for the education of future generations, we encourage the governments of all nations:

- To promote long-term loans of cultural objects to foreign museums and other institutions, in compliance with international standards.
- To amend national laws, which limit the duration of such loans too restrictively, in order to provide for a minimum two-year loan period for exhibition purposes.

4. Recognizing the present crisis atmosphere, we express grave concern for the safety of the world's cultural heritage in Iraq. The continuing international sanctions, imposed by the United Nations following the Persian Gulf conflict of 1991, have brought archaeological research, conservation, and museum activities in Iraq to a standstill. The Department of Antiquities is unable to retain professional staff and guards to protect even the most famous Sumerian, Babylonian, Assyrian, and Islamic sites from systematic, large-scale looting. The training of new Iraqi archaeologists is hindered by the embargo on current publications and by their isolation from on-going international research. In consequence, there is a loss of irreplaceable information on human history and a flood of smuggled Mesopotamian artefacts into the international antiquities market. The result will be a long-term adverse effect on the management of cultural heritage in Iraq. We therefore urge the United Nations Security Council:

- To exclude the cultural and educational spheres from the embargo.
- To allow the supply to Iraq of materials and publications related to cultural activities.
- To allow the resumption of foreign scholarly participation in cultural heritage-related activities in Iraq.

5. Aware that international cooperation is essential for the safe-guarding of the world's cultural patrimony, we urge all nations to become party to the relevant international agreements for the protection of the cultural heritage, including the

- Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954
- UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, 1970
- UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, 1995

We further urge that:

- General treaties, such as the Optional Protocol 1 (1977) to the Geneva Conventions and the Statute of the International Criminal Tribunal, which criminalizes serious offences against the cultural heritage, should be observed and enforced.
- All nations should take part in the Diplomatic Conference to be held in Amsterdam in March, 1999, to adopt new provisions to reinforce the effectiveness of the Hague Convention 1954.

6. Concerned that large numbers of cultural monuments have been destroyed during armed conflicts in Bosnia-Herzegovina and elsewhere, we express dismay that much of this destruction has been deliberate and systematic. The aim has been to weaken the identity and resolve of a supposed enemy, to undermine its historic claim to territory, and to rewrite history, reinforcing political claims while perverting the aims of objective scholarship. Such trends conscript culture and history as political and military tools, and represent a descent towards barbarism that all scholars have a duty to resist. Regretting the failure to implement the provisions of the Hague and Geneva Conventions protecting religious and cultural monuments in time of war, we consequently call for:

- Support for the review of the conventions with the aim of strengthening them, effective enforcement of the provisions of the conventions, and the punishment of the guilty.
- The establishment of a standing group of universities, cultural organizations, and professional associations to campaign for such actions.
- The creation of a steering committee to organize, monitor, and publicize immediately necessary actions.

The conference participants present at the November 1 session approved the above resolutions unanimously, with one abstention registered for each resolution (by the UNESCO representative per the requirements of her office) and two abstentions on resolution 4. The resolutions were proposed by Claire Lyons, Wolf-Dieter Heilmeyer, Kurt Siehr, Malcolm Bell III, McGuire Gibson, John Malcolm Russell, Zainab Bahrani, Samuel Paley, John Yarwood, Muhamed Filipovic, and Jerrilyn Dodds.

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# Illicit Antiquities Research Centre

## Statement of Intent

The Illicit Antiquities Research Centre has been established in response to concerns expressed about the loss to our knowledge of the past caused by the illicit excavation of archaeological sites. It intends to:

1. Raise public awareness in Britain and internationally about this issue and seek appropriate national and international legislation, codes of conduct and other conventions to place restraint upon it;
2. Monitor the sale and transfer of illicit antiquities within the UK and raise public awareness of the scale of such sale and transfer overseas;
3. Develop an overview of the national and international legislation bearing on these issues;
4. Argue, as a provisional measure, for the widespread adoption of the central tenet of the 1970 UNESCO convention on the illicit transfer of cultural property, that unprovenanced artefacts which cannot be shown to have been known and published prior to 1970 should be regarded as illicit and should not be acquired by public collections whether by purchase, gift or bequest nor exhibited by them on long- or short-term loan and should not be purchased by responsible private collectors. It should be recognized, however, that local or national museums may on occasion be the appropriate repository for such unprovenanced objects as can be shown with reasonable confidence to have originated within the territory of their responsibility.
5. Seek agreement among national organizations and museums in the UK on the appropriate policy for such bodies to adopt on the acquisition, display and publication of unprovenanced artefacts;
6. Seek to cooperate with dealers and auction houses in furthering the evolution towards the understanding of such issues and the adherence to appropriate practices;
7. Work with the Council for British Archaeology and other British bodies to encourage the application of appropriate principles to portable antiquities originating within the United Kingdom;
8. Investigate and make known illicit activities relating to antiquities in the Near East, Egypt and Asia Minor and to publish such information in the periodical *Culture without Context*;
9. Select such other geographical areas for comparable investigation and publication as may be practicable;
10. Establish working relationships with data-search organizations relating to stolen antiquities (i.e. antiquities which formed part of a recognized collection from which they were stolen) as well as illicitly excavated antiquities which have not, so far as is known, been recognized as forming part of a public collection or a major and well documented private collection;
11. Promote educational measures which will stimulate and develop respect for the archaeological heritage of all nations.



# Culture Without Context



The Newsletter of the Illicit Antiquities Research Centre

Issue 4, Spring 1999

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The Illicit Antiquities Research Centre is a project of the McDonald Institute for Archaeological Research



## Illicit Antiquities Research Centre

The Illicit Antiquities Research Centre (IARC) was established in May 1996, under the auspices of the McDonald Institute for Archaeological Research in Cambridge, England, and it commenced operations in October 1997. Its purpose is to monitor and report upon the damage caused to cultural heritage by the international trade in illicit antiquities (i.e. antiquities which have been stolen or clandestinely excavated and illegally exported). The enormous increase in the volume of this trade over the past twenty years has caused the large-scale plundering of archaeological sites and museums around the world. The IARC will raise public awareness of the problems caused by this trade and seek appropriate national and international legislation, codes of conduct and other conventions to place restraint upon it.

*Culture Without Context* is published twice yearly. The next issue will appear in autumn 1999. Subscription details are available from:

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## Editorial

This issue marks a new departure for *Culture Without Context* as its coverage extends world-wide. In future, there will be articles and comment on all countries that are condemned to suffer the continuing depredations of the illicit trade, starting in this issue with accounts of looting in Mali by Dr Kléna Sanogo and in Peru by our own Peter Watson. Established readers may rest assured though that the original Near Eastern focus will not be forgotten.



In his contribution to the conference ‘Who Owns Culture?’ (see page 28) John Merryman suggested that his ‘acquisitors’ discourse’ (the collectors’ point of view) has been excluded from the debate over the antiquities trade. He would be less certain of his opinion if he could spend six months in the *Culture Without Context* office poring over the weekend and financial sections of quality newspapers, where the (usually monetary) benefits of collecting antiquities are regularly trumpeted but only rarely is there any mention of the legal and moral issues involved, or any discussion of the associated looting.

In the Money section of the March 6 issue of *The Guardian*, for instance, there was a piece entitled *Collectors after the Artefacts*, which amounted to little more than an advertising feature for London dealers Charles Ede Ltd and Bonhams the auctioneers. Cypriot pottery was heavily trailed and Joanna van der Lande of Bonhams was quoted as saying that five years ago you could not give away this pottery but now there is a vogue for it. No surprise then to find a large collection of Cypriot Iron Age material, from a private collection built up between the early 1970s and mid 1980s, including a model chariot illustrated in the *Guardian* article, for sale in the Bonhams auction of April 22. There were 31 lots of Iron Age pottery, but only 9 were shown to have been purchased prior to the imposed division of Cyprus in 1974, suggesting that perhaps the subsequent looting has not always been aimed only at the island’s Christian remains. Still, at least some of the material up for sale at Bonhams had a provenance of one sort or another; across

town at Christie’s the day before it had been open season on Cypriot pottery with 39 lots on offer. All in all, the unscrupulous bidder could have walked away from the two sales with 188 unprovenanced Iron Age pots.

On a brighter note, the United States Information Agency announced on April 12 that under Article 9 of the UNESCO *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* the United States had reached agreement with the republic of Cyprus to place import restrictions on Byzantine ecclesiastical and ritual ethnological material unless such material is accompanied by an official export permit issued by the Cypriot Government.



Also at the ‘Who Owns Culture?’ conference Chris Haskett spoke of the cultural and human cost to Tibet of the antiquities trade. There is a large amount of Tibetan material now coming onto the market that was probably removed by the Chinese, but armed gangs are still attacking and despoiling monasteries. The emptying of Tibet seems, though, to be old news in the dealing fraternity. Sam Fogg, for instance, when talking of manuscripts, was quoted (in the February issue of *The Art Newspaper* [page 68]) as saying: ‘It is well known that treasures are coming out of Tibetan monasteries . . .’. The following month Dr Hugo Weihe (in the March issue of *The Art Newspaper* [page 56]) observed that the increasing strength of the market in Southeast Asian material is owing to the current interest in Buddhism and Tibetan art. A clear indication, as if any is needed, that the market is demand driven. Against this background it was difficult to understand what on earth Fabio Rossi was talking about when he claimed about his exhibition of Tibetan ritual and ceremonial objects that he was presenting them in their religious context rather than focusing upon their art-historical importance. How Sotheby’s New York, where his exhibition was housed between March 24–April 3, could provide a proper religious context was not explained. Tibet might have been more appropriate. The catalogue for the exhibition was written by Professor Robert Thurman and David Weldon.





While defending the Metropolitan Museum's policy of acquiring unprovenanced antiquities (in the May issue of *The Art Newspaper* [page 19]), Phillipe de Montebello trotted out the old argument that: 'Better, obviously, to have a work of art, albeit of uncertain origin, displayed, studied, available to scholars, loved and cherished, than thrown back like some worthless chattel into the maw of the vast and all-swallowing unknown.' *Obviously?* On the contrary, it is not at all obvious. This type of argument has been thoroughly discredited in the world of international law enforcement where it has long been recognized that hostage redemption leads inevitably to more hostage taking, and thus by refusing to negotiate with kidnappers the interests of the larger community are put before those of the individual. This generally agreed principle applies just as much to antiquities with no provenance. Sure, buying an individual piece preserves it for posterity, but at what cost? How many other pieces 'surface' on the market in consequence? How many more robber trenches appear in archaeological sites around the world? How many more museum displays are vandalized?



London is secure in its position as one of the centres of the antiquities trade, and the month of March saw the launch in the United Kingdom of the CoPAT (Council for Prevention of Art Theft) voluntary *Code of Due Diligence*

for auctioneers and dealers in art and antiques. Ostensibly designed to protect the legitimate trade in art and antiques from the activities of thieves and their accomplices, it seems also to be an attempt to head off the imposition of statutory controls as concerns mount about the abuse of the trade for money laundering. There will be fuller discussion of these issues, and of the implications that the *Code of Due Diligence* has for the illicit trade in antiquities, in the next issue of *Culture Without Context*.



As part of his ongoing research into criminal aspects of the antiquities trade Ken Polk of the University of Melbourne has recently visited the antiquities markets of Singapore and Hong Kong and has passed on several interesting anecdotes. When asking in one shop in Singapore about the supply of Buddhist objects from Burma he was told 'of course the material is smuggled, how else can we get it out?' In another shop selling mainly Chinese antiquities he was surprised to see a prominent display of press clippings which dealt with the recent crackdown in China on the smuggling of antiquities. Buy now, while stocks last, seemed to be message. Collectors take note!

NEIL BRODIE



## In the News

JENNY DOOLE

### Looting in Lebanon

**Lebanon**, recognizing that, as potential tourist revenue, its rich archaeological heritage is worth 'the same as oil for other Arab countries', is now counting the cost of 15 years of civil war. During this time a vast number of objects were looted from museums and historic sites to be sold overseas or incorporated into local private collections.

In March, in an atmosphere of 'scandal mania', the new government launched an investigation into thefts, illegal deals and the squandering of state funds at the Directorate-General of Antiquities. The enquiry culminated in the arrest, five weeks later, of ex-Director-General of Antiquities, **Camille Asmar**, and 3 of his colleagues for alleged embezzlement.

All archaeological sites and museums were surveyed in order to produce a list of missing antiquities and legitimate owners of antiquities were encouraged to register them so that a systematic list of artefacts, their provenances, and their state of preservation could be drawn up, and ownership licences issued. The revival of a 1932 law gave the enquiry team the status of a judicial police force, empowering them to investigate and raid any shops, private businesses or warehouses they suspected of holding stolen antiquities. Many of the properties raided were owned by influential and political figures.

During the course of the investigation more than 10,000 antiquities were recovered, most of which had either been stolen from archaeological sites or sold by legal owners without permission. It was reported that:

- A white marble pillar believed to be part of the Roman temple in **Tall Araqa** was recovered.
- 7 thefts, including one of Roman silverware from **Baalbek**, may have relieved the state

of \$400 million worth of antiquities.

- The castle of **Sidon** had been stripped of all moveable historical items. Two cannons that once stood at the entrance were traced to a businessman's villa.
- A gold-plate statue and basin from the Temple of Jupiter at **Baalbek** had been smuggled abroad.
- Carved stones from the Hellenistic Temple of Nemesis at **Akkar** were found. The temple was discovered and mapped in the 1970s, but the war postponed plans for its restoration. It has since been reduced to a scattering of rocks left by antique dealers who removed only the more saleable, carved stones.
- The Central Investigations Department of the office for Combating International Crime is also set to investigate the disappearance of a number of artefacts allegedly stolen by the Israelis during their occupation of South Lebanon between 1982–85 and also by militias in various other regions.

In April the government began to return many of the confiscated artefacts to archaeological sites and museums throughout the country. The cost of transport was billed to owners, excepting those who had reported their archaeological holdings to the Directorate-General of Antiquities.

Events took an unexpected turn when the existence of a **criminal ring** smuggling **Syrian archaeological pieces** abroad through Lebanon was discovered. No arrests were made, but there are apparently strong suspicions that the ring's leaders are big business tycoons. Mohammed Behboun, Culture Minister, announced that there was 'proof of the existence of a smuggling network' but the people involved could not yet be identified. Syrian Culture Minister Najar Attar praised the antiquities campaign and vowed that Syria and Lebanon would work together in this context.





## Post-war Cambodia

In **Cambodia**, too, extra efforts are now being made to pick up the archaeological pieces after 30 years of war, during which time the Khmer Rouge systematically stripped many remote and unprotected Angkor-era temples. When the northwestern region of **Anlong Veng** was taken by Cambodian forces last year, they stumbled upon hundreds of abandoned statues, Buddha heads and carvings hidden around jungle guerilla bases and waiting to be smuggled across the Thai border. The authorities are now competing in a race against the smugglers to recover the hoards, enlisting the help of former rebels to guide them through the landmines planted in the areas where they are stashed.

Reports indicate that industrial-scale looting continues, ironically aided by the safer conditions that now prevail, and orchestrated by corrupt Cambodian military officers. In January, King Norodom Sihanouk called on the Prime Minister to stop the theft, and a **government task force** has been set up, on very limited resources, comprising officials from the Ministries of Culture, the Interior and Defence. Cambodian and Thai armed forces have also agreed to work together to stamp out cross-border crime. However, as efforts increase to choke off the illicit trade through Thailand, a new smuggling route has opened through **Singapore**.

- In December 1998 Claude Jacques, a French expert on Cambodian antiquities, recognized a 4-ft-high stone inscription from the remote twelfth-century AD temple of **Banteay Chhmar** on sale for \$8000 in a Thai antique shop. It was part of the loot from an extended raid on the temple made late last year, organized by Cambodian military officials. Witnesses report that several hundred soldiers worked for 4 weeks with heavy machinery removing 500 square feet of bas reliefs, leaving a 36-ft-long breach in the walls around the temple. Reports indicate that the officer responsible has since been identified, al-

though it is as yet not clear whether the looters will be punished.

- A 10-wheel buffalo truck was impounded near the Cambodian–Thai border in Prachin Buri province carrying 85 sacks which contained **117 sandstone carvings** from the raid on **Banteay Chhmar**. The driver is reported to have testified that Cambodian soldiers delivered the pieces to him at a dawn rendezvous. The Thai investigator and a provincial official said a Thai antiques dealer had ordered the artefacts to be stolen and tried to bribe officials in Prachin Buri into declaring them replicas. It appears that the dealer, who runs a luxury riverside showroom in Bangkok, had a portfolio of photographs from Banteay Chhmar and would order specific items to be cut from the temple walls. Cambodian authorities are negotiating for the return of the frieze, which may take months.
- Also pending court proceedings in Thailand are seven pieces awaiting restitution at Bangkok and Phimai. One, from a group of five items (only three of which were genuine), was seized by inspectors in Bangkok's antiques-market district. An inscribed stone attributed to Khmer King Jayavarman VII, it is also from **Banteay Chhmar** and of great historical significance.
- Carvings forming a 14-metre-long section of the walls at Banteay Chhmar are still missing.
- **UNESCO** paid \$800 for **61 ancient sandstone carvings**, either looted or confiscated from smugglers trying to take them to Thailand, to be returned from Anlong Veng to the Siem Reap conservation centre in May. Most came from **Preah Vihear**, a mountain-top temple on the Thai border controlled by the Khmer Rouge until last year. Ten were found decorating the hide-out of Khmer Rouge commander Ta Mok when he was finally captured in March.





## International Response

- In late January, a **22-nation, 4-day meeting** was held at UNESCO which looked into the looting of **Banteay Chhmar**. The committee also drafted an international ethical code for art merchants and studied world-wide electronic dissemination of information on stolen art.
- On 20 May the Government of the Kingdom of **Cambodia** submitted a formal request to the Government of the United States seeking protection of certain archaeological materials under Article 9 of the 1970 UNESCO Convention. The matter will be considered by the Cultural Property Advisory Committee in June.

## Boston Museum of Fine Arts

The **Boston Museum of Fine Arts** is once again in the spotlight, accused by the *Boston Globe* and a group of eleven archaeologists of acquiring looted artefacts after committing itself in 1983 to an ethical acquisitions policy.

- Of 71 classical artefacts — including numerous vessels from Apulia, marble busts, and a Greek vase from Tuscany — donated or sold to the MFA from mid-1984 to mid-1987, **only ten have any recorded provenance**.
- Three of the objects — **Apulian vases** — are described in the 1993 MFA book *Vase Painting in Italy* as among a ‘host’ of newly discovered artefacts. The current Museum Director Malcolm Rogers has confirmed that the vases had no known owners prior to their acquisition by the Museum during the period 1987–91.
- One of the objects is a rare and archaeologically important **Mycenaean terracotta idol**.
- A major MFA benefactor told the *Boston Globe*, anonymously, that the museum of-

ten turned a blind eye to any evidence that objects had dubious origins and even implied that the MFA itself was complicit in helping to alter provenance information.

An MFA spokesperson chose not to take issue with the allegations, but said the museum does not agree that it acquired the artefacts without exercising due diligence. Controversial retired curator, Cornelius C. Vermeule III, also asserted the MFA ‘tried to do due diligence’ but Alan Shestack, MFA director 1987–94, acknowledged that in the past procedures were not as vigorous as they might have been. The Museum has previously bought material from Robert Hecht and accepted tax-deductible donations from Robin Symes, Torkom Demirjian, Leon Levy and Shelby White, Maurice Tempelsman and Jonathan Kagan.

## Metropolitan Museum of Art

The **Metropolitan Museum of Art**, New York has raised \$150 million of private funding to redisplay its unparalleled collection of Greek antiquities. *The Art Newspaper* notes that every one of the new galleries will contain **recent acquisitions**, and that in the US most museums, including the Met, continue to acquire **unprovenanced antiquities**.

## Art Museum Directors

The **Association of Art Museum Directors**, USA, decided in January to revise its **code of ethics**. The present code, last revised 9 years ago, contains loopholes which allow museums to remain in wilful ignorance of an object’s past and it does not address the 1970 UNESCO Convention. It is also unclear on issues surrounding the import of objects exported illegally from their country of origin, an action which is not in itself in direct contravention of US Law. Museum directors have said they



would welcome clearer guidelines.



## ‘Just returns’

*The risks inherent in acquiring unprovenanced pieces are clearly demonstrated by the number of recent ‘just returns’. Over the last few months a varied selection of stolen antiquities were welcomed back to their countries of origin — in some cases after encouragement from the courts.*

- On 5 February, the **J. Paul Getty Museum** returned to **Italy** 3 objects shown to have been stolen. The decision was not prompted by legal action.
  - **Fifth-century BC Attic red-figure kylix.** Made by **Euphronius**, painted with scenes of the Trojan War by Onesimos, and regarded as one of the museum’s finest pieces. It was purchased from a European dealer in 1983 but was subsequently proven to have been illegally excavated from the Etruscan cemetery of Cerveteri.
  - **Second-century AD copy of a head of Diadoumenos** by Polykleitos. Acquired in 1996 through the combination of gift and purchase of the Fleischman collection, it soon became clear that it was referenced and had been stolen from an excavation store-room in Venosa. (Janet Grossman noted in her contribution to *A Passion for Antiquities*, which catalogued the Fleischman collection, that the head was unpublished. As only about 25 per cent of the pieces featured in *Passion* were previously published, one can only wonder what revelations lie ahead.)
  - **A torso, part of a second-century AD statue of the god Mithra.** Bought from a European dealer in 1982 who claimed it to have been in an English collection for many years, it appeared, intact, in a blurred photograph as part of the Guistiniani Collection and may have been broken up for sale.
- On 4 March Boston businessman **William I. Koch** announced that he would return the ‘**Elmali Hoard**’ — 1661 illegally excavated coins — to **Turkey**. A settlement was reached on the eve of the trial, following a decade-long court battle. Turkey’s Minister of Culture, the Hon. Istemihan Talay, praised Koch’s decision and vowed to continue Turkey’s vigorous efforts to recover the other coins from the hoard and all other antiquities stolen from Turkish soil. Mr Koch was presented with a medal and thanked for safeguarding the coins during the lawsuit.
- After another successful suit by New York lawyers **Lawrence Kaye and Howard Spiegler**, 26 April saw the return to **Turkey** of an intricately carved **walnut panel** from the Sultan’s prayer gallery of the thirteenth-century AD **Great Mosque in Divrigi**, a UNESCO-listed heritage site. Believed to have been lost along with 4 other panels in a fire in 1997, it was offered for sale by London art dealer **Oliver Hoare** at the International Asian Art Fair in New York, March 1998. The US government sued Hoare for its return under the terms of its 1983 ratification of the UNESCO Convention. Turkey also alerted Scotland Yard to the other three panels in Hoare’s possession, and they too will shortly go home.
- **Denver Art Museum** has given back a **carved wooden lintel** taken from the Classic period site of El Zotz in the Petén region of **Guatemala**. Stolen from pyramid temple I, between 1966–68, it was purchased by the museum in 1973 before US legislation was introduced prohibiting the importation of Pre-columbian art. The rare carving depicts a ruler in war regalia and will now be displayed at the Museo Nacional de Arqueología e Etnología in Guatemala City.
- The **Asia Society**, New York, agreed, after 15 years of negotiation, to return an **eleventh-century AD sandstone relief** of a



mother and child to **India**. The sculpture, bought by the Society's founder, John D. Rockefeller 3<sup>rd</sup>, in 1978 from a London dealer, was discovered to have been stolen from a provincial museum in Dhubela, Madhya Pradesh state. Believing that Rockefeller purchased the piece in good faith, the Asia Society asked the Indian Government to pay for its return and insurance.

## Repatriation

*Other returns of antiquities also hit the headlines recently.*

- Important antiquities, smuggled out of **Egypt** in the early 1990s by convicted dealer **Jonathan Tokely Parry** (see: 'In the News', *CWC* issue 1), were handed over to Egyptian officials by Scotland Yard on 11 March. Antiquities officials have met with representatives of Scotland Yard to try to hammer out a memorandum of understanding on retrieving stolen artefacts which, if it were approved, could serve as a 'model for co-operation with other countries, such as the US and France, where many pieces end up'.
- In April, the **Canadian Government** restored to Syria **39 1500-year-old mosaics** from a group of 86 impounded by customs between 1991 and 1998. Most are already back in **Syria**. The first 54 mosaics were imported from the Lebanon in 1991, declared as handicrafts valued at only Cdn\$200,000. 32 more arrived in 1996 and were judged by archaeologists to be genuine and to have been hacked from floors at the same archaeological sites — believed to be ecclesiastical buildings in Apameia and Epiphaneia in northwestern Syria. No criminal arrests were made as officials were able to proceed more quickly under civil law.

McGill University archaeologist John Fossey commented that 'Canada has been regarded as the back door to get things into the United States' but has now sent a clear message that, for antiquities smugglers, times are changing.

## Mosaics

Still on mosaics, the trade magazine *Minerva* has reported that **two mosaic sections** acquired by the **Ménil Collection**, and now on extended loan to Rice University, Houston, appear to belong to a polychrome floor section looted from a Roman building at **Zeugma, southeast Anatolia**. They depict the two principals in the ancient Greek novel *Metiochos and Parthenope*, and appear to be a Roman version of an earlier Hellenistic painting. Other mosaics were stolen from a well-secured area of the site during an organized raid in the summer of 1998.

## Sevso Treasure

The Marquess of Northampton is rumoured to have received compensation in excess of £15 million in an out-of-court settlement of his long-running dispute over the **Sevso Treasure**. The Marquess had sued his former law firm Allen and Overy, and his former lawyer Peter Mimirriss, for damages over their advice regarding his purchase of the collection of fourth-century AD Roman silver. Since it has proved impossible to ascertain the original findspot of the hoard — earlier claims by Lebanon, Croatia and Hungary have all been dismissed in a New York Court hearing — its fate will be decided by Lord Northampton and his trustees.



## Museum Exhibitions

*Recent museum exhibitions have emphasized problems caused by archaeological looting.*

- December 1998–February 1999, the **National Archaeological Museum in Athens** displayed a range of artefacts giving an impression of life and religious practices in the late Neolithic. The main body of the exhibition consisted of **53 gold pendants and beads confiscated from smugglers** in October 1997. Honorary museum director, Katie Demakopoulou, pointed out that we cannot be certain if the artefacts constituted a hoard during ancient times, or were the result of the looting of one or more graves, or even of where they came from. One of the two men arrested in 1996 claimed to have inherited the material from his aunt on the Greek isle of Andros. The police informant whose tip-off led to the recovery of the material later received a reward of 136 million drachmae.
- A display of **Scythian gold**, usually kept in storage owing to lack of resources, was mounted at the local lore museum in **Simferopol, Crimea** in an attempt to attract sponsorship and to call attention to the problems of archaeologists in the region. Archaeological expeditions have been halted owing to lack of financing and tomb thieves are making use of the situation to excavate grave goods and ship them abroad. It is reported that three chambers were robbed of **\$300,000 of treasures** last September alone.



## Hague Convention

On 26 March, after two gruelling weeks' negotiation 'during which things often looked very bleak because of deep-seated differences between States' a new **Second Protocol to the**

**1954 Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict** was adopted by unanimous consensus. Eighty-four national delegations signed the 'Final Act' of the conference — which was also attended by non-governmental organizations — although this does not commit a State to ratify the new treaty. The meeting enabled the international community to clarify and reinforce measures to counter the alarming new increase in — often deliberate — damage and loss caused to cultural material since 1990 in war zones such as Afghanistan, former Yugoslavia, Cambodia and Somalia.

Under the terms of the Second Protocol:

- More precise provisions are brought to the concept of '**military necessity**' and to better heritage protection in situations of civil and domestic conflict.
- In response to significant demands, an improved **system of sanctions** to punish perpetrators of crimes affecting cultural heritage has been adopted.
- A committee supervising the implementation of the Convention will meet once a year and consider applications for financial assistance from a (voluntary contributions) fund to be established.
- The **International Committee of the Blue Shield**, a UNESCO-linked world non-governmental organization for joint emergency co-ordination and response, is formally recognized.

The formal signing ceremony was held on 17 May, but a minimum of 20 States must ratify before the Protocol comes into effect. This could take some time, since most would require new primary legislation to be passed. English and French texts are available on the UNESCO Web site (<http://www.unesco.org/>).





## Byzantine Artefacts from Cyprus

As mentioned in the Editorial, the **US Government** in April imposed emergency restrictions, under Article 9 of the 1970 UNESCO Convention, on the import of **Byzantine ecclesiastical and ritual ethnological material from Cyprus** unless accompanied by an official export permit. The move was made in response to requests from the Cypriot government and recommendations from the Cultural Property Advisory Committee.

## Smuggling in Egypt

**Egyptian authorities** have arrested Sheik Taj Al Hilali, the controversial **Mufti of Australia's Muslim community**, for alleged involvement in **archaeological smuggling**. It is alleged by Egyptian police that he paid thousands of dollars to 10 people who have been arrested on smuggling charges, intending to carry antiquities abroad to be sold. Four of those arrested are also accused of murdering a police officer who discovered them on a clandestine dig in Qena, 640 miles from Cairo, in southern Egypt. The Sheik has denied any wrongdoing, has volunteered a statement to the authorities and claims he is a victim of circumstances which his enemies are exploiting. Although the Mufti was allowed to leave Egypt temporarily in March the investigation continued and he is now obliged to stay in the country pending his next court hearing in May.

## Tourists in Mexico

*The need for increased public awareness was highlighted by two contrasting tales of tourists in Mexico.*

- On a visit to the Maya ruins of **Palenque**, young Canadian **Pascal Hudon**, aged 20, foolishly acquired 20 small clay figurines

from a local man. Not realizing he had broken Mexican law (according to which all pre-Hispanic artefacts are archaeological treasures and the property of the state), he even more foolishly asked agents at a police road block if they considered the hoard genuine, whereupon he was **charged with theft** and jailed while the authorities considered deporting him. After more than 6 months in Chiapas jail, during which time Hudon went on a hunger strike in protest, he was finally released in April two days before an official visit by the Prime Minister of Canada and after his relatives paid a fine of Cdn\$1200.

- In January, however, tourists were the heroes of the day when they informed the authorities of a man who had offered to **sell them genuine ancient artefacts**. Police located the suspect on the Mexico-Tulancingo highway in Hidalgo, but he fled as they approached, dumping three plastic bags which were found to contain **39 pre-Hispanic objects** including 4 ceramic candelabras, 3 decorated earthenware boxes, a figurine mould, a stone pestle and the handle of an incense burner. These were confirmed as genuine, 'of incalculable value', and reportedly came from the pyramid city of **Teotihuacan**, just outside Mexico City.

## Vincenzo Cammarata

The world's largest collection of allegedly stolen antiquities was discovered, late last year, at the home of **Vincenzo Cammarata**, in Enna, Sicily. Despite 12 months of enquiries, officers were unprepared for the array of archaeological treasures recovered: more than 30,000 Phoenician, Greek and Roman antiquities worth about £20 million, most probably plundered from the ruins of **Morgantina**, in central Sicily. Cammarata is now in prison facing charges of **stealing archaeological relics and collaborating with the Mafia**, but denies



the charges, claiming that every artefact is registered with the local department of the Ministry for Cultural Affairs. Five others were arrested on charges of conspiracy and receiving stolen goods, including two lecturers from the University of Catania, Giacomo Manganaro from the Department of Ancient History and Salvo di Bella.

Authorities believe Cammarata, well-known for his wealth and connections, was 'the nerve centre behind the sacking of Italy's archaeological sites'. Investigated after a tip-off from criminal supergrass Maurizio Sinistra, he appears to have been the first point of contact for *tombaroli* selling their illegal finds. It is alleged he would invite Mafia bosses to dine and value stolen antiquities for them, keeping some for himself or selling them on to international dealers on the black market. The investigation is important not only for the organized crime connections revealed but also because **specific information is emerging about every stage of the illicit trade**, including precise smuggling routes out of Sicily through Switzerland and the UK to America.

Cammarata sometimes sent antiquities to Gianfranco Casolari in San Marino, who is suspected of providing false provenance documents for pieces which he sold through his auction house (AES Rude), some apparently to western museums. Museum directors and collectors everywhere now have a chance to examine their records for any pieces bought from AES in case they need to follow the fine example set by the J. Paul Getty Museum and return them to Italy.

In April it was reported that **Silvio Raffiotta**, the Chief Prosecutor of Enna, is also under investigation following accusations by a colleague of valuing looted archaeological material. Raffiotta, in the past known for a number successful campaigns against antiquities smuggling, denies the charges. He is a close personal friend of Vincenzo Cammarata.

## Organized Crime

*Links between organized crime and the illicit trade in art and antiquities are being reported with increasing frequency.*

- In January Spanish police broke up a **major international art-smuggling ring** which had planned to trade stolen masterpieces for cocaine.
- Colonel Cyril Radev, chief of the police branch assigned to fight organized crime in **Bulgaria** (CSBOP) has stated that historic artefacts worth nearly **\$1 billion** were saved last year from illegal export to the West. He cited the figure as part of a general assessment of CSBOP's work during 1998. A source familiar with the activities of the unit told *Radio Free Europe* that since 1985 **25,000 artefacts have been stopped at the border**, but this number is believed to represent only 30 per cent of what has been lost. Buyers are mostly collectors from Austria, Germany and Belgium.



## Pakistani Tiles

**Jemima and Imran Khan** are to sue Pakistan's customs authorities for defamation after she was charged in January with smuggling antique tiles out of the country. Jemima claimed that the charges were ridiculous and being used to discredit her husband by political enemies. Thermoluminescence testing and examination by experts in London are reported to confirm that, far from being 'of paramount archaeological significance' as Pakistani authorities claimed, the tiles are modern.





## Looting in China

*Reports indicate that Chinese authorities continue to take drastic measures in their attempts to curb widespread looting.*

- In January, **Gao Yunliao**, a farmer, was reported to have been **executed** for stealing a Buddha statue from the famous **Longmen Grottoes** in Henan province. Three accomplices received unspecified prison terms. The group broke the Tang Dynasty statue into three pieces while loading it onto a truck and then buried it at Gao's home.
- Also in Henan in January, a **museum worker** in Nanyang City was **sentenced to death** for stealing and damaging **Qing Dynasty relics**.
- In April farmer **Chen Mengxing** from the northern province of Hebei was given the **death penalty** for stealing and accidentally shattering **Beijing's oldest Buddha statue**, officially listed as a rare relic since 1957. Accomplices Liu Xueru and Wang Liqiang were sentenced to life imprisonment. When the heist went wrong, the fragmented sculpture was hidden in the backyard of Liu Xueru's home. It has now been repaired and safely stored in the Beijing Carved Stone Art Museum. Chen Mengxing was also found guilty of stealing a rare Ming Dynasty relic from a temple in Shouyang county in Shanxi Province.

## Hong Kong Antiquities Trade

Meanwhile, the *The Art Newspaper* carries reports of hard times on **Hollywood Road**, the antiquities trading area of **Hong Kong**, where a shrinking supply is decimating the trade. Two decades of unrestrained looting are blamed: it is believed that thieves in China may have exhausted the number of graves which can be

unobtrusively excavated (although the situation could reflect hoarding or collecting in China). This has led to the appearance of more **forges** — many of which have reached Western markets, as was seen by the 500 fake Chinese antiquities still presumably at large in the UK (see: 'In the News', *CWC* issue 3) and a reduction in market confidence.

Dealers say, however, that Chinese premier Zhu Rongji's current crackdown on smuggling has left them unaffected, and smuggling kingpins have opened slick new shops in Hollywood Road since it is safer for them to operate in Hong Kong than in China, where looting is now a capital offence (see above). Illicit antiquities appear to be routed through corrupt officials or private syndicates in **Guangdong**, who smuggle them into Hong Kong. More sensitive items are sent through the Portuguese territory of **Macau**, where officials are alleged to be less 'clean and efficient' than those on the Hong Kong border.

## Chinese Artefacts

At the New York International Asian Art Fair in March, dealer **Guiseppe Eskenazi** produced some spectacular, previously unseen (and of course unprovenanced) **early Chinese objects**. These included a very rare example of a massive, Shang-period bronze bell, and two Tang-period *lokapalas*, or tomb guardians which, despite their ferocious appearances, had clearly failed in their allotted tasks!

## Theft in Alaska

**Ian Martin Lynch** has the dubious honour of being the first person to be prosecuted in Alaska under the 20-year-old Archaeological Resources Protection Act. He pleaded guilty to **stealing 1400-year-old human remains** from a cave gravesite in southeastern **Alaska**, which



he discovered on a deer-hunting trip in 1997. Although he knew the theft was classed as felony, he described the find as 'really cool' and wondered if the site might be named after him. He now faces a possible six-month prison term and may have to pay \$10,000 to restore the site.



## Peruvian Cloak Stolen

At the municipal museum of **Arequipa**, southern Peru last December, someone took off with a **pre-Inca ceremonial cloak** made of parrot feathers and worth \$100,000. They covered the crime up with a chicken-feather substitute and it was only discovered when museum officials noticed that the garment had lost its usual shine. The police were clearly dealing with a thief with a conscience, however, since the cloak was quickly recovered, following an anonymous tip-off, in a nearby church confessional box!



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*UNESCO*  
*United States Information Agency*  
*The Village Voice worldwide*

**We are always pleased to receive relevant press clippings and news items.**





## The lessons of Sipán: archaeologists and *huaqeros*

PETER WATSON

CHICLAYO, PERU: The excavations at Sipán in northern Peru (Fig. 1) have been well documented. Three royal Moche tombs, larger and more complex than any found before, revealed skeletons of prominent personages, gold and silver objects, and details about sacrificial ceremonies that greatly added to the understanding of this ancient civilization. The fruits of these excavations have been on display at the National Museum of Peru, in Lima, for several years.

Less well known is the parallel story about the battle between archaeologists and local tomb robbers which, it turns out, may offer important lessons for threatened sites in other areas. What follows is based on interviews with Dr Walter Alva, the archaeologist in charge of excavations at Sipán, with Dr Carlos Wester, Dr Alva's deputy, and Dr Luis Chero, the chief archaeologist on site.

Sipán falls into two, the 'Royal Site' (Fig. 2), the subject of Dr Alva's many publications, and what might be called 'The Other Sipán' (Figs. 3 & 4), an area of tombs about two kilometres away, for non-royal burials. These have received no publicity at all.

It is important to note

that, from the moment the royal tombs were first discovered, by the local investigative police, in 1987, the archaeologists have had an uphill battle convincing the local population, in the modern town of Sipán (about one kilometre away), that *they* are not tomb-robbers who are trying to steal from the villagers what is rightfully theirs. The techniques that Alva and his colleagues have evolved to overcome this resistance are of great interest to archaeologists in similarly-threatened areas.

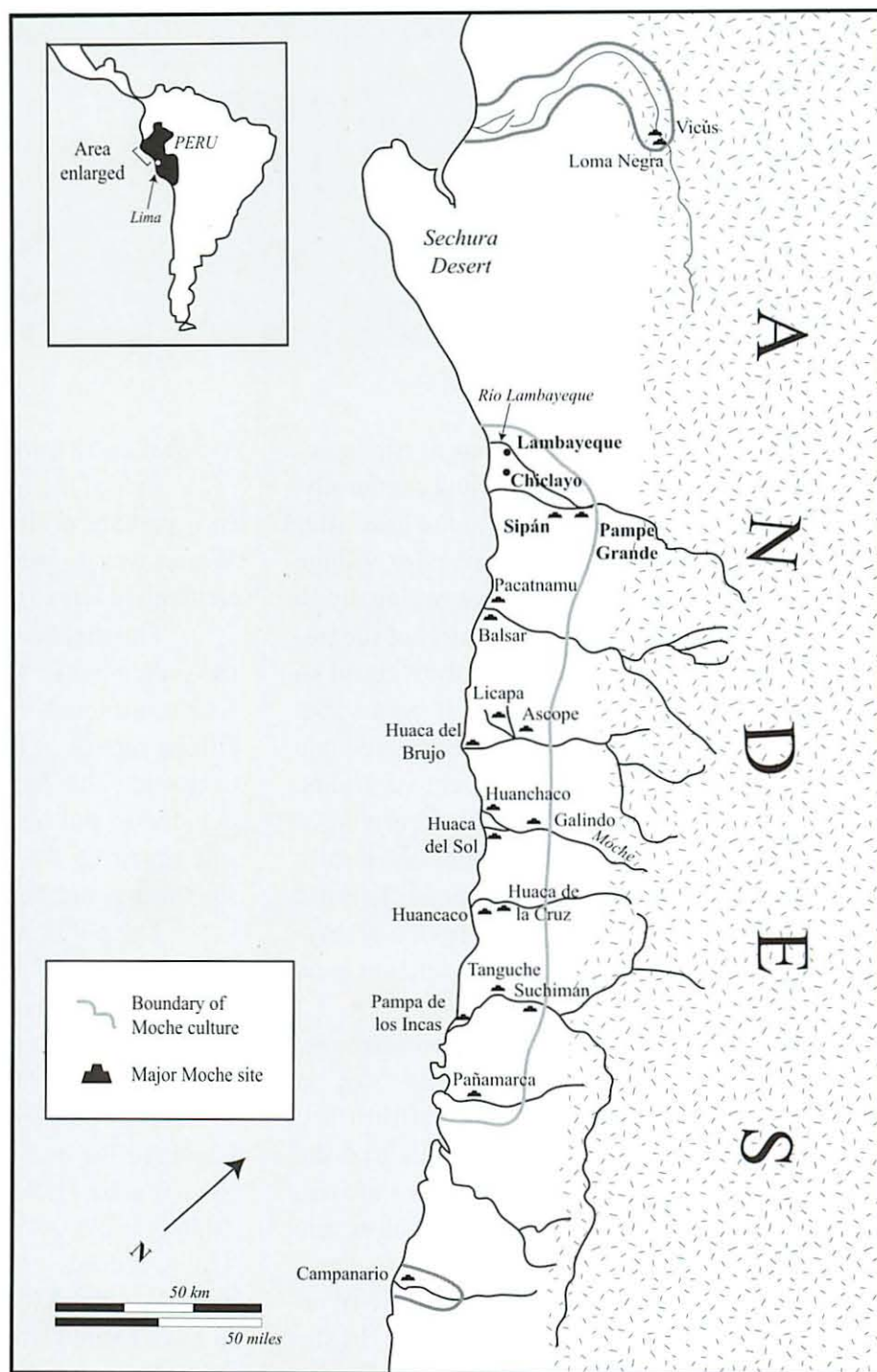


Figure 1. Extent of Moche Culture (AD 100–800).





Figure 2. The 'Royal Site', Sipán.

It turns out that the *huaqeros* at Sipán actually consisted of 34 members of just one family, the Bernal family. Police got on to the case after the Bernals appeared back in their poor village with new cars and women, and were getting drunk for days on end. After the intervention of the police, the archaeologists did what they could to reconstruct what had taken place. It seems that in February 1987 the Bernals had discovered one tomb and had dug for three consecutive nights, taking a statue and a number of gold artefacts. During the raid on the Bernals' house, the family resisted and one of them was shot dead. This did not improve the popularity of the police or anyone 'official' identified with them, such as archaeologists.

There is an irony in all this because one might ask why the Bernals made their 'dig' in 1987. After all, the pyramids and platform had been there since 100–650 AD. It seems that the government archaeologists had been in the area, making a survey, about six months before the Bernals' discovery and this government survey may have suggested to the locals that the pyramids hid something worth looking for. In the circumstances it is fortunate that the family stopped digging when they did. They were just

3–5 feet away from the royal tomb.

Part of the material taken by the Bernals is in a private collection in Switzerland. Carlos Wester was prepared to say this much but refused to identify who exactly has the material.

The discovery of the Bernals' activities by the police led to Alva's legitimate excavation of four more levels of the pyramid. (There are still fifteen metres at the base of the pyramid left to excavate. This has not been done because Alva decided to put his funds into extra security and into repairing the roofs of the structures protecting the digging that has already been completed.)

The publicity received by the discovery of the royal tombs has been remarkable. In 1987 tourists in Chiclayo were 'a handful'. By this year they had grown to 70,000 directly attributable to Sipán (but in 1998, owing to La Niña, it fell back to 43,000). Assuming the average tourist visits Chiclayo for one night, and spends \$200 in the town (the best hotel costs \$66 a night), that makes  $70,000 \times 200 = \$14,000,000$  in a normal year. This is a crude calculation but even so sits well alongside the \$250,000 the Bernals are reputed to have earned from their find.

Indirect indications are also favourable. Not only is Dr Alva one of the most famous men in





**Figure 3.** The 'Other Sipán', showing looted mound.

Peru today but even the policeman on duty at the toll plaza on the road out of Chiclayo knew Carlos Wester and saluted. Posters advertising Sipán, and replicas of objects, are displayed everywhere, from the airport to the casinos. The tombs have really fired the imagination of the whole local population, who see that they can all benefit, not just the *huaqueros*.

After the original publicity, when Dr Alva and his colleagues moved in, the locals were very difficult. Modern Sipán is poor, but not abject. Carlos Wester says, however, that the locals had no idea to begin with what archaeology was. They thought the pyramids belonged to them (in fact, the government owns the land) and they thought there were enough tombs for everyone in the village to have his/her pick.

Security remains a problem to this day but Drs Alva and Wester have devised a number of techniques to overcome the central difficulty. Here they were helped somewhat by the Peruvian context. In particular, excavations at Sipán got going at roughly the time the government finally put the lid on the country's terrorist problem (Shining Path and Tupac Amru). This freed up a lot of specially trained army personnel. Further, the general in charge of special forces was/

is a keen amateur archaeologist and made available not only manpower but equipment (cars, helicopters) whereby the army could carry out rapid reconnaissance of the area. The police were not much respected in and around Lambayeque, the province where Sipán is located, but the army were and when people saw how seriously the military were taking the problem they realized that the government, and the archaeologists, meant business.

After the army moved out, the police took over and though they were better than before the situation was a lot less than perfect. Alva and Wester therefore took matters into their own hands and increased their own security staff — from four to thirty. But, and this is the interesting part, the guards do not spend all their time at the site. They divide their duties between the site and the museum at Lambayeque, the province capital, about half an hour away. The idea behind this is two-fold: to stop the guards getting bored; but, more important, to stop them getting to know, and be corrupted by, the local population.

No less important, Alva and Wester have made it known to the locals that the day-to-day director of the dig, Luis Chero, has absolutely no say in policy. This is for his protection, and that





**Figure 4.** The 'Other Sipán', showing holes dug by huaqueros.

of his family. Any threats or attacks on him will not affect digging.

In order to service the site as a tourist attraction, cafés and souvenir shops have sprung up (at least five) but this can hardly be said to have spread prosperity from the excavation to the modern town of Sipán. Chiclayo, the big town on the coast, where the hotels and airport are located, has benefited most. This is in some respects unfortunate and not helped by the fact that financial aid for modern Sipán, promised by the government, has so far not materialized.

There is a small on-site museum, which was paid for jointly by the Peruvian government and, for some reason, the Swiss government. Local archaeologists believe that the Swiss involvement is part of an attempt to prove that Switzerland is concerned to be more than a way-station for smuggled artefacts.

Mr Fredy Naupari Pizarro, the proprietor of the café/restaurant at the site, is a local from Sipán who had been an engineer/mechanic before the site opened to tourists. He was obviously in favour of a systematic excavation but said that the only way to attract more tourists was to make further excavations, and therefore produce fur-

ther newsworthy discoveries, and to bring back the material from Lima. This is a possibility, but for security reasons the material will go to the Bruning Museum in Lambayeque, at least an hour away, by car.

### The 'Other Sipán'

About two kilometres from the modern town of Sipán is the cemetery. This is the usual Roman Catholic mix of bright flowers and neo-Baroque sarcophagi. It is in fact a rather remote and somewhat wild area, near some foothills. It is also located on top of a huge, pre-Inca burial ground. This is the 'Other Sipán'.

The location is extraordinary. It is a lunar landscape, pitted and neglected, with tumbleweed and gorse in profusion (see Fig. 4). The terrain is very reminiscent of Apulia, south of Foggia in Italy, pitted with illegal excavations for as far as the eye can see. For this is where the ordinary, non-royal inhabitants of Sipán lived and died. As in Apulia, the *huaqueros* work with long T-shaped metal spikes which they insert into the ground looking for the hard roofs of tombs. When they make contact, they dig down, doing much the





**Figure 5.** Track to the 'Other Sipán'.

same sort of damage as is done in Apulia in the search for pots.

Long after the royal tombs were safe, the other Sipán was not. The track (shown in Fig. 5) was not safe until two or three years ago. Dr Wester, who led the way, fully expected to find *huaqueros* digging there and then. In the event, we didn't see anyone but Wester said that, until 2–3 years ago, anyone travelling on the trail would have been attacked. There were innumerable illegal digs; whole pyramids had been destroyed (Fig. 3).

The looting here has, to an extent, been stopped, thanks to Peruvian technological *chutzpah*: the army bought satellite time and photographed locals looting. On top of that the police and army raided houses randomly in the modern town and found lots of looted material. At the moment the battle over the 'Other Sipán' is being won by the archaeologists but no one knows how long it will last.

### **Batan Grande**

Batan Grande (Fig. 6) is the home of the Sican culture (not to be confused with Sipán). It is much

later (AD 700–1100) and lies to the north of Chiclayo/Lambayeque. It forms part of a Nature Reserve that is 50 miles square and contains seventeen pyramids.

A river, the Lecha, runs through the reserve. In the El Niño of 1983 the Lecha produced a massive flash flood that took away 80 per cent of one of the biggest pyramids. In the storms of 1997 further flooding damaged the same pyramid and undermined the foundations of the Oro pyramid on the other side of the river bed. The river, which changed course permanently after the 1983 Niño, now runs just 17 feet from the Oro. Here, in 1991, the Japanese archaeologist Isumi Shimara discovered some major tombs of Chimu-Inca variety, dating to AD 1375, so there is a real fear that another flood will take away very valuable, unexcavated artefacts.

Batan Grande is well guarded. I met one of the guards and discussed his situation (Fig. 7). He was very fit, and carried a large machete. He had been in the army (in the unit referred to above) and he worked one day in three *but* from 7.30 am to 7.30 am — i.e. 24 hours non-stop. He said he had two problems: locals who came for wood — these he just saw off the reservation; and



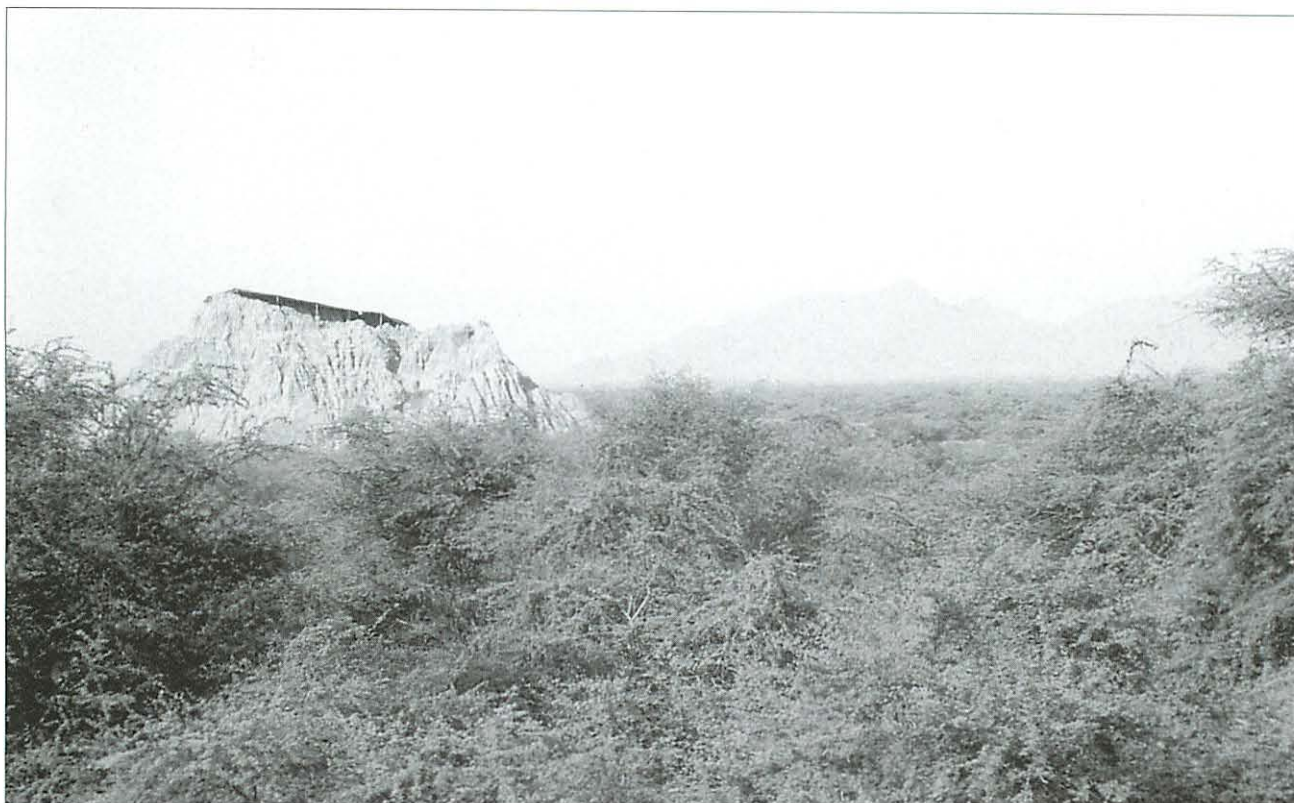


Figure 6. *Batan Grande.*

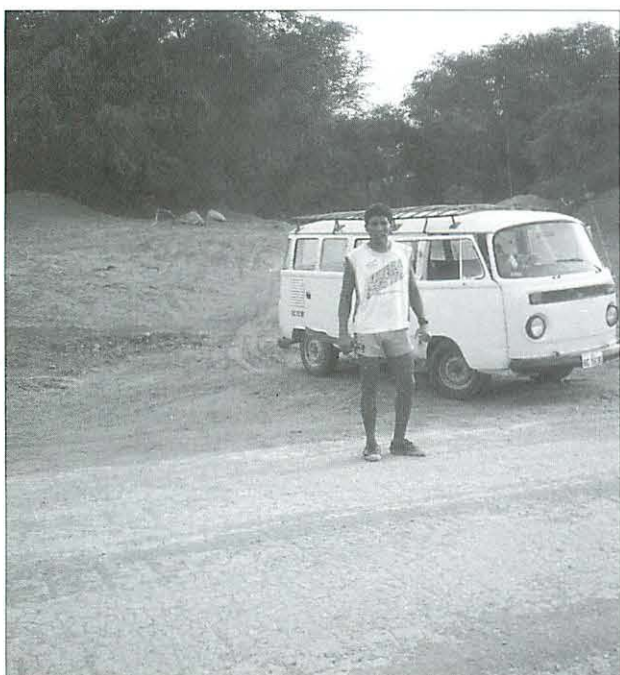


Figure 7. *Guard at Batan Grande.*

second, the *huaqeros*. There are about 9–10 of these every week, he said, and in general his physique and the machete were enough to see them off. But it is a constant battle and his military training undoubtedly comes in useful at times.

Also of interest is the fact that he is paid 400 *soles* a month (about £80), exactly the same as Dr Carlos Wester and the other archaeologists. (The average wage in Peru is said to be 300 *soles* a month.) For a poor country, Peru is making a determined effort to to conserve and protect its heritage.

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## The looting of cultural material in Mali

KLÉNA SANOGO

The looting of cultural material, from Africa in general and from Mali (Fig. 1) in particular, is causing great concern at the present time. Starting with the search for exotic and sensational artefacts by early colonial officials, it is a phenomenon that has grown progressively into a vast commercial enterprise which today has reached proportions which no-one would hesitate to call 'cultural genocide' (Brent 1994). This spectacular escalation in the looting of cultural material is due to several factors, but the two most important would appear to be, on one hand, the existence of the international art market and, on the other, the fact that the idea of patrimony,

developed around cultural material and archaeological sites in particular, does not correspond to cultural reality as experienced by the people concerned. This last factor explains much of the destruction that might be termed unintentional, and caused by all types of work (traditional farming, animal husbandry, settlement, quarrying, mineral exploitation, etc.). Unintentional destruction extends, to some degree, right throughout national territory.

As for intentional looting, however, it is motivated by the search for — and acquisition of — cultural objects in order to build a personal collection or else to sell. As stated earlier it goes back to colonial times but its increase is very recent. Initially limited to wooden masks and statuettes acquired because of conversion to Islam or quite simply stolen, the phenomenon has grown throughout the country since the 1970s to include artefacts buried in the ground. This is owing to a combination of two factors: the discovery of terracotta statuettes from Djenné and

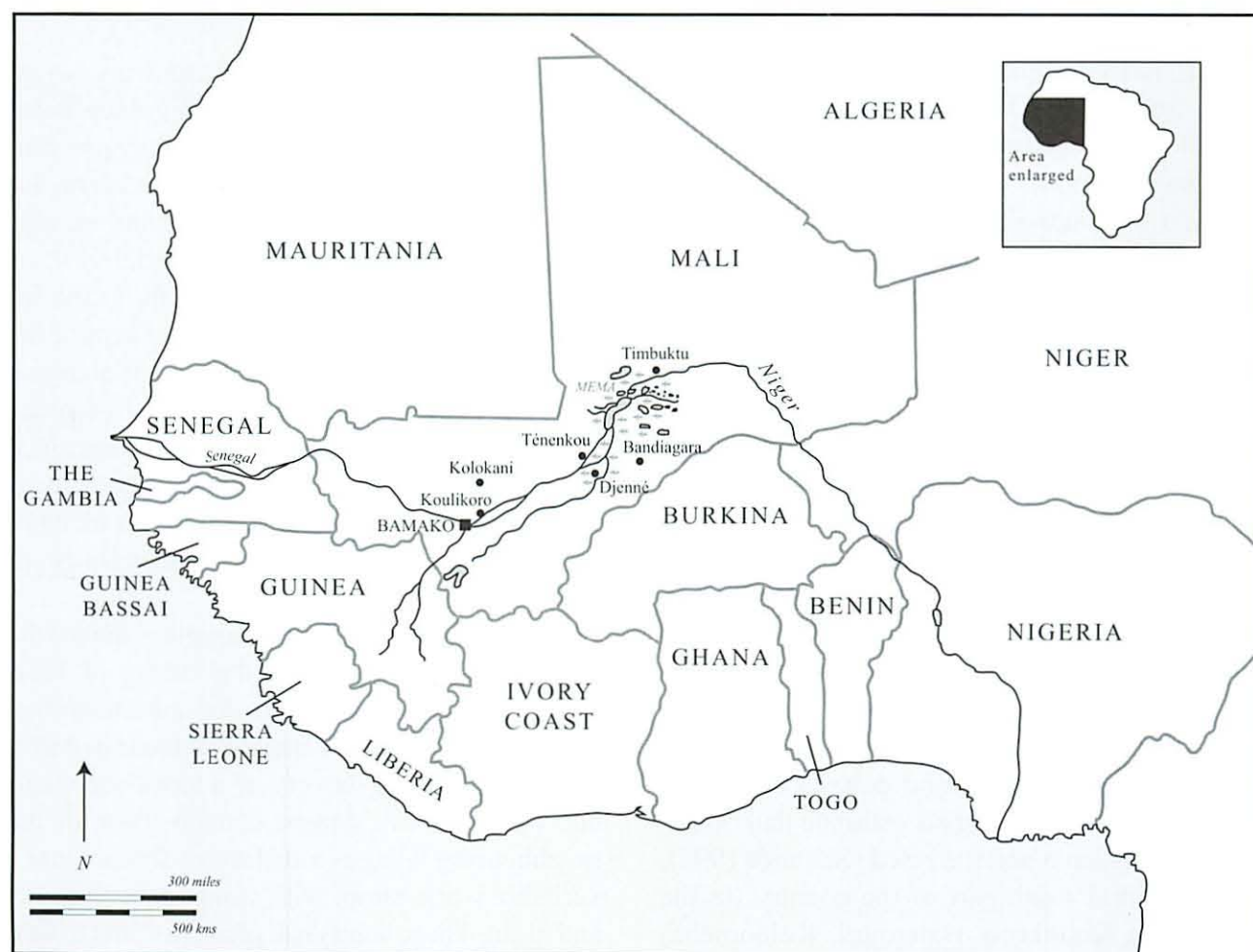


Figure 1. West Africa.

the impoverishment of rural populations caused by the great drought.

Since the 1970s several forms of intentional looting have been observed, of which the collection of surface finds from archaeological sites seems to be the most innocent. It is directed towards material exposed by water running over the surface of sites: jewels (beads in a variety of materials, copper and iron bracelets and rings), ceramics (complete vases or fragments destined to be used as grog), querns and stone grinders. Such collecting is in general practised by women and children in the area of the delta and across the mouth of the Niger. Initially geared towards the satisfaction of local needs, it has recently opened up to the international trade in beads and copper objects which are sold in markets at Léré in the lake region and at Gao. This new orientation will obviously lead to the disappearance of this innocent collecting and drag it inevitably towards increased 'hole-digging'.

The illicit excavation of archaeological sites makes up the second form of intentional looting — by far the most destructive and dangerous. Indeed, archaeological artefacts removed from context are forever dead to science. These illegal excavations are undertaken either by individuals acting alone or by organized groups. When it is an individual, sites are disturbed only on the surface because the activity generally consists of extracting objects partially revealed by erosion — usually vases in which it is hoped to find treasure (terracotta statuettes, jewels etc.). Despite the individual nature of this looting it is not uncommon to find entire sites disturbed over their whole surface, especially when close to modern settlements, because sometimes it can happen that everyone in the village who is able tries his hand. The products of this looting are destined for sale to local representatives of antiquities dealers.

This type of looting is very extensive in the inland delta region and at the mouth of the Niger (Fig. 2). In the inland delta of the Niger, for example, archaeologists estimate that 50 per cent of sites have been affected (Schmidt 1992). In the central south part of the country (in the regions of Koulikoro, Bougouni, Kolondiéba) where the looted monuments are small tumuli, this sort of looting generally leads to total de-

struction of the site. It is in this way that a whole necropolis (of more than 100 tumuli) has been totally destroyed at Sirakorola (Koulikoro region), by people looking for necks of vases which take the form of zoomorphic statuettes made of terracotta. This means that examples of these statuettes which are today held at the National Museum of Mali derive not from scientific research but from illicit excavations; they have been seized, quite by chance, from the possession of a dealer when the vast majority of the plunder had already crossed the national frontier.

The most worrying category of looters, though, are organized groups. Some of the groups work on their own, and those that do so are usually family based. It is a case of true family enterprise with a single person charged with placing the discovered items on the weekly markets of the region concerned.

Secondly, there are groups comprised of people recruited and supported by the antiquities dealers. The latter provide the excavation equipment in return for which all the finds are considered theirs by right.

Both types are responsible for truly devastating digs. Sites are destroyed by deep holes which cover the whole surface or they are simply crossed by deep trenches. In both cases, not only are objects removed, but the sites are also permanently lost to scientific research.

This kind of pillage is specific to the inland Niger delta region where 45 per cent of the 834 sites registered in an inventory of archaeological sites bear witness to excavation by looters. 17 per cent of looted sites have been destroyed by large-scale excavations (2 per cent of these sites are irreparably damaged because of more than 70 per cent destruction) (Dembélé *et al.* 1993).

The most significant example is that of the site of Natamatao close to the village of Thial (approximately 15 km from the administrative centre of the area of Ténenkou). Here in 1990, after the chance discovery of a terracotta statuette by a peasant, dozens of men from all the neighbouring villages transformed the site into a veritable work camp, with teams operating day and night. These teams had plenty of time to turn over the whole site before the accidental death of one of the workers, as a result of subsidence,





**Figure 2.** *Toguére Hamma Djam, inland delta region, after looting.*

drew the attention of the local authorities. There were arrests and an antiquities dealer was convicted.

Only a few statuettes were seized (they are currently lodged at the National Museum in Bamako). This intervention by the authorities, however, has been beneficial for the area as there has since been a relative lull in such large-scale looting. But at the same time, plunderers have moved on to areas which are less accessible and rarely monitored by the police. At stake are Mema, the lake region, Farimaké and Guimbala. It is probably this area that is the origin of the bronze statuettes of horse riders currently found on the international art market.

Looting occurs, as we have seen, because there is a very profitable international market. However, the actual looters (the first link in the chain), are local people who are completely unaware of the notion of cultural patrimony and are concerned only with problems of survival, and they do not come into direct contact with this market. The intermediaries are the national antiquities dealers who may or may not be aware of what they are doing. They are simultaneously

employers of groups of looters, purchasers of objects sold by independent looters and organizers of the illicit channels of export.

The first impression that might be gained from this sad *tableau* is that there is total indifference to the problem on the part of the national authorities. However, as well as its adherence to all international conventions relating to the protection of cultural heritage, the Republic of Mali is one of the few countries of West Africa to have adopted legislation and regulations which, in spite of some imperfections, when suitably applied, can preserve a large part of the cultural heritage from destruction by people and even nature. The relevant statutes are:

- \* Law No. 85-40/AN-RM of 26 July 1985 relating to the protection and promotion of the national cultural heritage;
- \* Law No. 86-61/AN-RM of 26 July 1986 relating to traders in cultural objects;
- \* Decree No. 275/PG-RM of 4 November 1985 concerning regulations for archaeological excavations;
- \* Decree No. 999/PG-RM of 19 September 1986 relating to marketing of cultural objects.

Unfortunately the practical implementation of these different statutes is difficult owing to their poor dissemination (there are only French texts available) and to the non-integration of their intention into the people's awareness and way of life. Even the administrative and legal authorities which are, theoretically, charged in the field with control and suppression are barely aware of the question; moreover, they lack technical competence in the matter (an officer of the law or a customs official is incapable of distinguishing between an authentic piece and a copy). In fact, legislation allows the sale of ethnographic material and copies of archaeological artefacts. Antiquities dealers make the most of this in order to export objects of which sale is forbidden. It is sufficient for them to acquire an export license from the Cultural Heritage Services (currently the National Museum in Bamako) on presentation of ethnographic artefacts or copies. Parcels are not sealed at the National Museum and this service has no control over export — objects presented are simply replaced by authentic pieces when they are packed. If the dealer does not wish to take such a risk then he can quietly cross the frontier overland, as Mali does not possess the means necessary to police its enormous frontier.

Thus we can appreciate the seriousness of the dangers which threaten the cultural heritage of all Africa, and of Mali in particular, all the more because it is impossible to produce the documents confirming ownership of exported objects.

The ultimate solution to the problem of looting would seem to be the removal of demand. In reality the situation is strangely reminiscent of slavery: Europeans and Americans bought and employed slaves because there were, in Africa, both sellers of slaves and slaves for sale: Africans fought with each other to form themselves into 'herds' of slaves because there were buyers who offered interesting things in exchange. One knows the outcome, or rather the end: the abolition of slavery across the Atlantic led to the steady disappearance of the slave trade in Africa! In this regard it is worth pointing out that within the framework of the 1970 UNESCO *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership*

*of Cultural Property*, the US Government has just concluded with the Republic of Mali an agreement forbidding import into the USA of certain categories of cultural material illicitly exported from Mali. It deals, in the first place, with terracotta and bronze statuettes from archaeological sites in the Niger valley, and also all objects from the burial caves at Tellem in the Bandiagara cliffs.

Unfortunately such arrangements cannot be concluded with those countries in Western Europe which constitute the distribution centre of the illicit traffic for the simple reason that these countries have, for the most part, refused to ratify the 1970 Convention.

For its part, the government of Mali has undertaken to inform and educate the population about the concept of cultural heritage. Since January 1994 cultural missions have been established at Djenné, Bandiagara and Timbuktu. These missions are intended to generate interest throughout the country.

Despite this, it is worrying to note that certain scientists, archaeologists, art historians, archaeometric laboratories, editors and museums actively support looting because of the the promotion and publicity they produce, the expertise which they bring to the authentication of objects (description and date), or quite simply by acquiring them. Their involvement helps make the looted artefacts more saleable. Worse still, today, there are people who, wanting to acquire objects with a clear conscience, suggest that the marketing of pieces could serve to finance archaeological research in Africa! Fortunately, we cannot yet include archaeologists among the supporters of this view. It is true that African countries do not have the means to carry out the archaeological research which would help to protect the still-buried elements of a cultural heritage, but to ask archaeology to feed the art market is to demonstrate total ignorance of the aims of archaeological excavations.

The report presented here might give the impression that those engaged in the struggle to protect the cultural heritage are fighting a losing battle. However, there are glimmers of hope. In effect it has been suggested that the attitude of local people changes radically when their cultural relations with archaeological sites are established. For example, although the inland delta of the



Niger is the area where looting is most severe, a site such as Toguéré Somo is completely protected simply because it is accepted that it sheltered Sékou Amadou, the founder of the Peul Empire of Macina, just before one of his battles. There are other cases in which the site is believed to be the home of village spirits (for example Djidiè in the Kolokami area). The newly established Cultural Missions, the development of archaeological and historical research, as well as the popular dissemination of results of this research can develop this trend which constitutes the best guarantee for the protection of cultural material since it is ensured by the people themselves.

International co-operation like that established by the government of the USA would strengthen this approach. This seems to be the way forward if we are to staunch the outflow of cultural material.

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(Translated from the French by Katie Boyle)



## Book review

**Demakopoulou, Katie & Nicoletta Divari-Valakou, 1997. *The Aidonia Treasure*. Athens: Ministry of Culture, Archaeological Receipts Fund, 31 pp.**

The Mycenaean cemetery at Aidonia, near Nemea, was excavated by the Greek Archaeological Service between 1978–80 and again in 1986. Unfortunately, at the time of excavation, it transpired that over ten of the eighteen tombs uncovered had already been looted of their contents, probably only a short time previously. Nevertheless, over two hundred pots and figurines were recovered and the finds from the unlooted tombs provide unique insights into Mycenaean burial ritual, with evidence of sacrificed horses and broken kylikes. In one pit, overlooked by the looters, a secondary burial was discovered accompanied by an impressive collection of jewellery which included three gold signet rings (Krystalli-Votsi 1996).

In April 1993 an important collection of Mycenaean jewellery was offered for sale by auction at the Michael Ward Gallery in New York. Comparison of the Michael Ward material with that excavated in Aidonia revealed such similarities of iconography and technique that an origin in the looted tombs of Aidonia was, if not certain, then at least highly probable, and in May of the same year the Greek Government sued for its return.

The two sides in the dispute settled out of court in December 1993, thus avoiding a costly court case, and the Ward Gallery donated the objects to the Society for the Preservation of the Greek Heritage, a cultural foundation based in

Washington, which subsequently returned the material to Greece in 1996. This book is a good quality, well-illustrated catalogue of the Aidonia material and also provides an account of its identification and recovery.

In returning the material to a non-profit making organization Michael Ward was able to claim a tax deduction of an undisclosed but very possibly, given the collection's original \$1.5 million price tag, substantial sum (Herscher 1998, 811). While the US taxpayer continues (probably unknowingly) to underwrite the illicit trade in antiquities, legitimate academic institutions have in recent years been starved of tax dollars — a situation nothing short of scandalous.

The recovered Aidonia artefacts have now joined the excavation finds on display in the Nemea Museum. The contexts of the plundered tombs have been destroyed, lost forever, but the forthcoming report of the Aidonia excavations, which will contain full descriptions of the intact tombs and their contents, will nevertheless be an important document for all students of Mycenaean Greece.

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## Conference reports

NEIL BRODIE

### World Archaeological Congress 4: University of Cape Town, 10–14 January 1999

WAC4, as it prefers to be known, included a session convened by Kathryn Walker Tubb (Institute of Archaeology, London) and Neil Brodie (McDonald Institute for Archaeological Research, Cambridge) entitled *The Illicit Trade in Antiquities: Destruction and Response*. Speakers were as follows:

Kathryn Walker Tubb (UK). *Setting the Scene*.

Téréba Togola (Mali). *The Facen in the Mande World: Forces and Difficulties of Preservation*.

Dino Politis (UK). *Problems and Initiatives in Jordan*.

Hester Davis (USA). *Looting Graves/Buying and Selling Artefacts: Facing Reality in the United States*.

Peter Addyman (UK). *Metal Detecting in England and Wales: Catastrophe or Compromise?*

Neil Brodie (UK). *The Export Licensing System in the UK*.

Susan Keech McIntosh (US). *Reducing Incentives for Illicit Trade in Looted Antiquities: the US Implementation of the 1970 UNESCO Convention*.

A resolution was passed forward from the session to the plenary session of WAC, where it was accepted.

### Resolution Adopted by the World Archaeological Congress 4, University of Cape Town, South Africa

*Believing* that the world's cultural heritage cannot sustain the losses resulting from illicit excavation and export of archaeological material;

*Taking into consideration* the resolution adopted by the Pan-African Congress of Prehistory and Related Studies in June 1995 at Harare, Zimbabwe; the resolution adopted by the UK Standing Conference on Portable Antiquities on 13 November 1997; the resolution adopted at the Annual General Meeting of the European Association of Archaeologists on 26th September 1998 at Gothenburg, Sweden; resolution no. 4 adopted by the 19th Assembly of ICOM on 16th October 1998 in Melbourne, Australia; and resolution no. 5 adopted by the participants at the international conference 'Art, Antiquity and the Law: Preserving our Global Cultural Heritage' on 1 November 1998 at Rutgers University in New Brunswick, New Jersey, USA;

*Recognizing* that international co-operation is essential for the protection of the world's cultural heritage;

World Archaeological Congress 4 held in Cape Town, South Africa, on Thursday 14 January 1999 urges all nations that have not already done so to become party to the relevant international conventions, including the:

Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954;

UNESCO Convention on the Means of Prohibiting and Preventing the Illegal Import, Export and Transfer of Ownership of Cultural Property, 1970;

Unidroit Convention on Stolen or Illegally Exported Cultural Objects, 1995.



**Who Owns Culture? International Conference on Cultural Property and Patrimony: a conference held at the Casa Italiana, Columbia University, New York City, Thursday 15–Saturday 17 April 1999.**

This conference was sponsored by the National Arts Journalism Program and the Italian Academy for Advanced Studies in America. It was intended to ‘provide an overview of the full range of cultural property and patrimony issues facing cultural institutions, experts, and policymakers’. Participants included art historians, archaeologists, dealers and collectors, journalists, museum directors, government officials and lawyers. In his opening remarks **Michael Janeway** (Director, the Italian Academy for Advanced Studies in America) emphasized the need to make public the debate over cultural property and with the number of journalists involved media attention was guaranteed.

Inevitably there was some confusion over precisely what was meant by the term ‘culture’. For some speakers culture was obviously art, in the sense of deliberately produced art, while for others it was archaeology. For the 1992 Nobel Laureate in Literature **Derek Walcott** it was language, but to question who owns the English language, he said, is a pointless exercise. Indeed, he continued, questions of who owns what, of who has power over what, are beneath the spirit of humanity. More prosaically, **John Merryman** (Professor Emeritus, Stanford Law School) attempted a broad but still restricted definition when he insisted that, while any human artefact can come to be cultural property, there is a core consisting of works of art, manuscripts and antiquities. It was left to anthropologists **Susan McIntosh** (Professor of Anthropology, Rice University) and **Peter Jemison** (Historic Site Manager, Ganondagan State Historic Site, New York) to include sacred landscapes within the definition and so remind us that cultural realities are not always material.

**Susan McIntosh** also explained how our views of culture are relative, and suggested the analogy of invisible lenses through which we see and make sense of the world but which are themselves culturally formed. **Karl Meyer** (Author, *The Plundered Past*) provided a practical illustration of this when he compared different national attitudes to rights in cultural and intellectual property, and maintained that it was an ethical rather than a legal requirement to respect the laws of other nations. Just as citizens of the United States expect other countries to respect US laws on copyrights and patents, so should they be prepared to respect foreign laws, embedded in different cultural *milieux*, on the ownership of art and archaeology. Indeed, he suggested, if intellectual property was included in the definition of cultural property then the possibility of a global understanding might emerge.

**John Merryman** also spoke of his five ‘discourses’, or ideologies, of cultural property and while recognizing many subsidiary ethical and legal issues proposed that the central question to be addressed by the conference was: ‘Should the international rule that a nation cannot enforce the export laws of another be changed?’. From an archaeological perspective, though, this is very much a secondary question. The primary concern continues to be the undocumented (usually, but not always, illegal) excavation, or destruction, of archaeological sites. This concern over disappearing knowledge did not always seem to be fully appreciated by some participants who continued to debate issues of ownership.

Three sessions in particular would have been of interest to readers of *Culture Without Context*.

On Friday morning **Souren Melikian** (Arts Editor, *International Herald Tribune*) was moderator of *The Trade in Art: Where Cultural Property Goes*. After the assertions and anecdotes of some earlier (and later) speakers the opening data storm from **Ricardo Elia** (Associate Professor of Archaeology, Boston University) was a welcome relief. He presented the results of an in-depth study of



the market in Apulian Red-Figure vases from Italy. **Glenn Lowry** (Director, Museum of Modern Art, New York) followed with a re-statement of the argument frequently made by art historians that, although looted objects may lose their original (archaeological) context, once in a museum they acquire a fresh context which provides a new (presumably aesthetic) significance. **Rena Mouloupoulos** (Compliance Director, Senior Vice President, Sotheby's USA) described the role played by Sotheby's when enabling the sale of an antiquity and provided reasons why ownership histories, though often known, are not always revealed. (Melikian interjected at this stage to say that Christie's had refused to send a representative to the conference.) Finally **Gerald Stiebel** (Art Dealer, Rosenberg and Stiebel) argued that works of art are 'cultural ambassadors' which should be exchanged freely on an open market. Summing up **Souren Melikian** reminded the audience that 'art' and 'museums' are Western concepts — in most areas of the world cultural objects may have a ritual or religious significance in their original context which is lost when the object is transferred to a museum.

The final session on Friday was *Antiquities: International Cultural Property?* with **Richard Brilliant** (Director, The Italian Academy for Advanced Studies in America) as moderator. Opening speaker **Patty Gerstenblith** (Professor, DePaul University School of Law; Editor-in-chief, *International Journal of Cultural Property*) suggested that after the depredations of nineteenth-century imperialism and twentieth-century commerce some areas of the world today are almost devoid of their own cultural heritage. She made the fundamental point that the archaeological heritage is a non-renewable resource and cannot therefore be treated as ordinary property — something to be bought and sold. **Shelby White** (Art Collector) replied for collectors, arguing that most antiquities newly arrived on the market are not looted but are in fact thrown up by modern development projects, and thus are rescued from destruction by the market.

She added that archaeological excavations could in themselves be destructive. **Marion True** (Curator of Antiquities, The J. Paul Getty Museum) explained that the J. Paul Getty Museum had changed its acquisitions policy in 1995 as it was becoming more and more difficult to ascertain that potential purchases were not looted or forged, and that in any case the storerooms of even the new museum contained more antiquities than the display shelving could reasonably be expected to hold. She also outlined the Getty vision for the next millennium, which emphasizes the conservation of archaeological sites and objects and the development of mutually beneficial partnerships with other museums to enable sharing or exchange of displays and expertise. The session concluded with **Christopher Hitchens** (Journalist and Author, *The Elgin Marbles: Should they be Returned to Greece?*) putting forward the case for restitution of the Elgin marbles and **Michael Daley** (Director, ArtWatch) answering with the case against, although as the ensuing discussion slipped into farce it seemed at times that the real issue was the hard or soft pronunciation of the Elgin consonant G, not the marbles themselves.

Then on Saturday morning there was the session *The Developing World: Preservation, Export and Looting*. **Jaime Litvak King** (Universidad Nacional Autónoma de México) emphasized that the main threat to the archaeological heritage of Mexico is looting, but also raised the issue of forgeries, suggesting that one episode showed about 80 per cent of allegedly Mexican objects on the European market to be fakes. **Clemency Coggins** (Professor of Archaeology, Boston University) pointed out that despite US import restrictions Mayan objects are still pouring into Europe in great quantities. She also touched upon the dilemma facing archaeology as responsible museum exhibitions may actually stimulate demand for illicit antiquities. **Souren Melikian** presented three case studies to show how so-called historians of Persian art have been guilty over the years of poor scholarship and sometimes even of outright vandalism. Finally,



**Chris Haskett** (Research Fellow, Department of Religion, Columbia University) again reminded the audience that what in the West is regarded as art is in Tibet a record of a perceived reality, not something to be commodified. He also told of the human cost of the illicit trade in Tibet as armed gangs have killed monks in their violent attempts to remove statues from monasteries.

On Friday morning **John Callaway** (Senior Correspondent, WTTW-Chicago Channel 11) set off a desultory discussion when he asked if the United States possessed any cultural artefact of which the sale and export abroad would cause a national outcry. The discussion smouldered on through the conference until finally the accumulated weight of opinion settled upon the Statue of Liberty — not made in America perhaps but an emotive political symbol nevertheless. Callaway's question was picked up on Saturday in the first part of the session *Cultural Property in the United States*, moderated by **Peter Plagens** (Art Critic for *Newsweek*) in which the public and professional reactions to modern art and architecture were brought under scrutiny. **Casey Nelson Blake** (Professor of History, Washington University) pointed out that more recent cultural studies emphasize the role of culture in promoting social cohesion and indeed, already on Friday, **Peter McCloskey** (Office of the Prosecutor, International Criminal Tribunal for Yugoslavia, The Hague) had expressed a similar view when he argued that the cultural heritage of a people represents an order in their world so that its destruction is tantamount to destruction of their society, and thus is to be considered a war crime. The panellists sought to separate public or civic from aesthetic conceptions of culture and were unanimous in agreeing that in the final analysis aesthetic considerations do not trump other issues when it comes to public art. While these discussions might not seem even tangentially related to the antiquities trade the conclusion reached — by a panel of disinterested (in an archaeological sense) experts — is of central relevance. It would imply that the loss of his-

tory entailed by the destruction of archaeological sites — a social or public loss — cannot be excused or justified on aesthetic grounds alone.

On Saturday afternoon, in the session *Ethics and Current Claims: Is there a Fair Solution?* **André Emmerich** (President, André Emmerich Gallery) introduced the concept of 'American exceptionalism', by which he meant that as a nation of immigrants its citizens had a right to possess part of the art of their ancestors. It would seem that the citizens of other countries, the UK for instance, by implication, don't. Another justification of this exceptionalism was also implicit in **Arielle Kozloff's** (Vice President, Ancient Art, The Merrin Gallery) contribution to Thursday's opening session when she suggested that the greatest challenge today is to ensure the survival of cultural material, and that the best means of preservation is storage in a stable environment, whether it be a public museum or private apartment. After the destruction visited upon many European collections, both private and public, during the course of the past two centuries it can only be assumed that Kozloff's vision of a stable environment extends only to the fifty states of the Union, with Switzerland perhaps as a fifty-first repository. Paradoxically, in his talk, Emmerich argued that in view of past and future destruction the best hope for the preservation of art lay in its dispersal.

The intellectual division between 'classics' and 'anthropology' was also on display during the conference so that the repatriation of native American artefacts was discussed in the session entitled *Cultural Property in the United States* while restitution of the Elgin Marbles was debated in the session *Antiquities: International Cultural Property?* As a result, in the latter session, Marion True's interesting observations on the role of the museum in the third millennium were swept aside in discussion by an amusing if tiresome exchange over the marbles while the opportunity for a more innovative airing of the Elgin issue against the background of NAGPRA was lost.



In conferences called to address issues of 'culture' the focus is often blurred and participants seem sometimes to be talking past one another. Such was the case here and in this sense it compared unfavourably with the *Art, Antiquity and the Law* conference held at Rutgers University last November. An audio

broadcast of the conference is archived at <http://www.najp.org/cultureconf.html>.

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Front cover. Looters' holes at the 'Other Sipán'.

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ISSN 1464-1925

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Correspondence relating to all aspects of the legal and illegal trade in antiquities is welcome; we will make an effort to print reasonable, non-libellous letters. No unsigned letters will be printed, but names will be withheld upon request.



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Printed by BluePrint, Severn Place, East Road, Cambridge CB1 1HY. Tel: +44 (0)1223 314315





# Culture Without Context



The Newsletter of the Illicit Antiquities Research Centre

Issue 5, Autumn 1999

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The Illicit Antiquities Research Centre is a project of the McDonald Institute for Archaeological Research

## Illicit Antiquities Research Centre

The Illicit Antiquities Research Centre (IARC) was established in May 1996, under the auspices of the McDonald Institute for Archaeological Research in Cambridge, England, and it commenced operations in October 1997. Its purpose is to monitor and report upon the damage caused to cultural heritage by the international trade in illicit antiquities (i.e. antiquities which have been stolen or clandestinely excavated and illegally exported). The enormous increase in the volume of this trade over the past twenty years has caused the large-scale plundering of archaeological sites and museums around the world. The IARC will raise public awareness of the problems caused by this trade and seek appropriate national and international legislation, codes of conduct and other conventions to place restraint upon it.

*Culture Without Context* is published twice yearly. The next issue will appear in spring 2000. Subscription details are available from:


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## Editorial

It was a privilege for the Illicit Antiquities Research Centre to host over the weekend 22–25 October a symposium entitled: *Illicit Antiquities: the Destruction of the World's Archaeological Heritage*. Over fifty archaeologists, police officers, government ministers and lawyers gathered to discuss papers on the looting of archaeological sites, the size of the market, the culpability of museums and the legal problems that face claims for restitution. The symposium adopted a resolution calling for an end to the collection and trade of illicit antiquities and announced the formation of a Committee to work towards the establishment of an International Standing Conference on the Traffic in Illicit Antiquities (ISCOTIA) whose members will be drawn from governmental, non-governmental and professional organizations worldwide. A full report begins on page 16.

 'Innocent until proven guilty' is a principle the trade is quite happy with when the provenance of a piece is in question, but far less so when it is its authenticity. There are good financial reasons for this. A piece without provenance may be worth less than one with, but an inauthentic piece — let us call it a fake — is indeed worthless. But despite the best efforts of the trade fakes still continue to turn up. Our attention is captured by high profile cases such as the 'Getty Kouros', an Archaic Greek statue which may (or may not) be authentic, but more worrying perhaps is the entry onto the market of large numbers of smaller pieces. Last year in the *New Yorker* for instance Alexander Stille told of a small factory near the city of Xi'an, burial place of China's first emperor Qin Shihuang (with his famous terracotta army), where workers quite legitimately turn out replicas of the ceramic soldiers, complete with signs of wear and added mud to make them look freshly excavated. When Chinese archaeologists visited the United Kingdom recently to reclaim 3700 pieces of stolen archaeological material they rejected nearly 500 as fake.

When a dealer guarantees the authenticity of a piece the customer should ask for the evidence upon which the guarantee is based to be produced. Is it a thermoluminescence date? Is it a properly

recorded provenance? Is it the considered opinion of an expert? If such evidence is not forthcoming then the piece should be avoided. Indeed, in a recent issue of *Biblical Archaeology Review* Hershel Shanks, not an extreme anti-trade figure by anybody's reckoning, warned potential collectors to stay out of the antiquities market altogether unless they were willing to risk acquiring a forgery.



An Italian request for import restrictions to be placed on archaeological material dating from the fifth millennium BC to the fifth century BC was discussed in October at a meeting of the US State Department's Cultural Property Advisory Committee (CPAC). The hearing was a lively one by all accounts as dealers and archaeologists presented their respective cases. But the hysteria which surrounded the event is hard to understand if the arguments of the trade are to be believed. If, as they maintain, nothing is now being smuggled out of Italy, and newly surfacing objects come from legitimate collections around the world, why were they worried? Why did they even bother to turn up and argue? Import restrictions after all would only apply to material moved out of Italy after the date of any agreement. Perhaps, after all, there is some smuggling going on. And perhaps the dealers know it.

Meanwhile New York Senators Daniel Patrick Moynihan and Charles Schumer have proposed an amendment to the 1983 UNESCO implementing legislation with the aim, they say, of making the CPAC more public. It is a shame that their desire to see an open society does not reach as far as the trade. It is, after all, the continuing refusal of the trade to carry on its business in public which is the cause of all the problems in the first place.



Still, within a couple of years it will, hopefully, be possible to read about British hearings in the editorial columns of *Culture Without Context*. In October Parliament announced its intention to hold an inquiry into, amongst other things, the advantages, disadvantages, requirements and consequences of United Kingdom ratification of the 1995 Unidroit Convention on Stolen or Illegally Exported Cultural Objects and the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import,



Export, and Transfer of Ownership of Cultural Property. Those who wish to draw attention to matters relevant to the inquiry should write to Colin Lee, Clerk of the Culture, Media and Sport

Committee, Committee Office, House of Commons, 7 Millbank, London SW1P 3JA.

NEIL BRODIE

## Euphronios kylix update

PETER WATSON

Fragments of an Attic Greek red-figured terracotta drinking cup, or kylix, produced by the fifth-century BC potter Euphronios, were returned in January 1999 by the J. Paul Getty Museum in Los Angeles to the government of Italy. This followed revelations in Rome that three other fragments from the same kylix had been discovered by the carabinieri's art squad in the possession of Giacomo Medici.

Mr Medici is currently awaiting trial in Italy on charges of smuggling antiquities out of the country. He was the subject of a Channel 4 documentary in 1997, which showed that many of the unprovenanced antiquities which passed through his hands were subsequently sold at Sotheby's auction house in London.

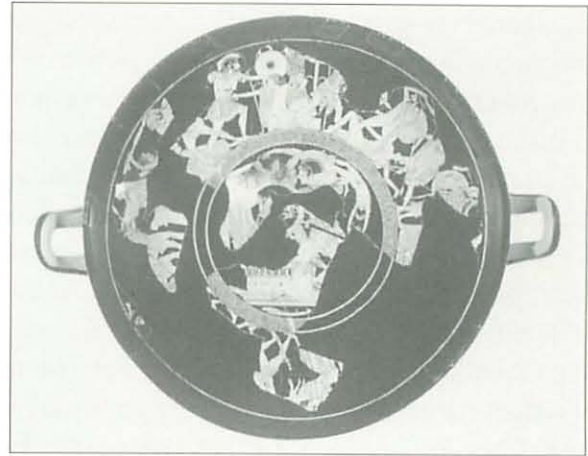
The Euphronios kylix, which dates from c. 490 BC, was painted by Onesimos and shows scenes of the Trojan war, featuring Helen and Menelaus, figures of duellers, and Apollo and Ajax.

In exchange for the carabinieri agreeing to drop charges (in this one case) against Mr Medici, he has agreed to cooperate fully in their inquiries.

These have shown that the first fragment of this vase came to light in the 1960s, in the possession of Dietrich von Bothmer of the Metropolitan Museum in New York. He passed it to the J. Paul Getty Museum. Other fragments were acquired by the Getty beginning in 1982, after which the kylix was published in an article by Geoffrey Williams.

The carabinieri believe that the bulk of the vase was illegally excavated 'about twenty years ago' from Cerveteri, an Etruscan site near Rome. Apart from the fragments housed in the Getty Museum, other fragments were illegally exported to Switzerland in May 1991 and photographs of these fragments were offered on the Paris market.

The value of the three fragments returned by the Getty has been put at \$500,000 by the carabinieri, with the value of the complete kylix



*The Euphronios kylix.*

set at 10 billion lire, or close to \$5 million. Marion True, curator of antiquities at the J. Paul Getty Museum, would not divulge the name of the European dealer from whom the museum acquired the fragments, or the price paid. The kylix was returned voluntarily, following the museum's new (1995) acquisitions policy for collecting antiquities, which calls for 'prompt return of objects to their country of origin should information come to light that convinces us that this is the appropriate action to take'.

The carabinieri's aim in publicizing this case is two-fold. First, they wish to 'burn' the name of Giacomo Medici in the antiquities trade, to publicize as widely as possible his involvement in illicit antiquities so that no one can be in any doubt that objects once in his possession are suspect.

Second, the Italian police are sending out signals to other owners of fragments of the kylix. They have made it plain that, in return for not being prosecuted in this one case, Mr Medici has revealed to them who else owns the remaining missing fragments. We may take it therefore that the carabinieri are using official diplomatic and law enforcement channels to recover these other fragments. This story is not yet over.

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## In the News

JENNY DOOLE

### Greek Discoveries

- A wreath of **138 golden olive leaves**, dating from the Hellenistic period and stolen in June from **Halkida Archaeological Museum**, on the island of Evia, Greece, has reportedly been found hidden in a garden shed. Police questioned an unemployed man who had allegedly made arrangements to sell the wreath. There had been no sign of a break-in at the museum and other objects in the same display case were untouched.
- **271 artefacts**, stolen nine years ago from the **Archaeological Museum of Ancient Corinth**, were recovered by the FBI from 12 fish crates in a **Miami** storage depot in September. Athens Police Chief Pavlos Roubis said investigators had acted on a tip-off. No arrests have been made although a spokesman for the Greek Embassy in Washington indicated that Greek police know who was responsible and are preparing a case.

During the raid, early in the morning of 12 April 1990, four robbers overcame an unarmed guard. The objects — including pieces such as a fifth-century BC marble head of a Kouros, a small marble statue of Pan, 13 Hellenistic and Roman marble heads, as well as 164 varied ceramic vessels — were recovered in good condition and were taken to FBI offices in New York as evidence. A skyphos from the haul had appeared for sale in an international catalogue in 1997. Three items are still missing: a marble bust of Julius Caesar, and carved marble heads of Eros and Serapis.



## Museum Matters

*Ethical problems for museums once again feature in the news:*

- The major museum exhibition, *The Maya*, has transferred from Venice's Palazzo Grassi to Mexico without some of its exhibits. The artefacts, originally **removed illegally from Mexico**, were reportedly withdrawn by European museum curators who believed that the Mexican government might impound them in Mexico. According to Dolores Beistegui, director of the San Ildefonso museum, 'Bringing them here would seem to be asking for trouble'. *The Maya* also includes some stolen pieces which have been recovered by the Mexican government.
- **316 Native American artefacts** recently donated to the **Nevada State Museum** in Carson City, by the mother of collector Stephan Mueller (now deceased), were apparently removed illegally from public lands in remote areas of **Utah and Nevada**. The collection contains tools, seed bags and moccasins with an estimated value of more than \$10,000. Officials say Mueller's mother has now vanished. The material will remain at the museum for the time being.



### Italy: Stolen Columns, Souvenirs & Etruscan Tombs

- A 3-ft high, 265 lb **pink marble column** was stolen in September from the **Nymphaeum, of Hadrian's Villa, Tivoli** near Rome. Thieves are believed to have scaled a 5-ft-high fence and loaded the column onto a truck. Superintendent of Archaeology, Anna Maria Reggiani regretted the timing and symbolism of the theft, which followed the £10 million restoration of the ruins.
- **General Roberto Conforti**, head of the Carabinieri Anti-Art Theft Squad said that columns have also disappeared from the **Appian Way**.



- Three **German tourists** were arrested in **Siena**, given six-month suspended sentences and fined £150 each for taking bricks stamped with heraldic emblems from a **Renaissance palazzo** undergoing restoration. General Conforti commented that tourists unable to resist taking a 'souvenir' often cause as much damage to sites and monuments as professional thieves, saying that Italy's penalties for such thefts constitute an insufficient deterrent.
- The Guardia di Finanza (Italian tax police) have announced the discovery of a large ninth- to fourth-century BC **Etruscan necropolis at Cerveteri**, west of Rome. Archaeologist Maria Antonietta Rizzo described the discovery as 'a great victory in the fight against the illicit trade of Etruscan works' which are in ever-increasing demand by collectors. For the first time archaeologists will be able to apply modern archaeological techniques to study some **280 unlooted tombs**, containing thousands of artefacts including funerary vases, jewellery, local and imported bronzework. The cemetery was found during an archaeological survey of the area carried out because of concern about rampant looting.



## Statistics

- **Abdellah Salih**, of Morocco's Ministry of Cultural Affairs, estimates that **40 per cent of ancient rock engravings and 10 per cent of rock paintings** in the region have been stolen or damaged by looters.
- Italian police statistics report a **sharp drop** of almost **40 per cent** in theft from archaeological sites in the last year.
- June: **Teresa Franco y Gonzalez**, director of Mexico's National Institute of Anthropology and History, announced that more than **10,000 artefacts** looted from archaeological sites in the country have been recovered by the government during the past year, seized by the federal attorney general's office or returned via Mexican consulates and embassies abroad. She commented that nearly all such looting occurs in non-tourist areas.
- It is reported that **90 per cent of objects** confiscated in the international airport at Lima, Peru are souvenir replicas while many genuine artefacts are thought to slip through.



## Underwater Treasure Hunting

- Spain has won her first victory in the war against treasure hunters. In July a US court ruled that **two frigates**, the *Juno* and *La Galga*, shipwrecked off Virginia in 1802 **belong to Spain** and not to the professional treasure hunter who found them.

The Spanish government has **outlawed commercial salvage** in its own waters and claims all wrecked Spanish ships as state property. A Spanish foreign ministry spokesman said 'Any Spanish galleon found in future will be reclaimed by the Spanish authorities'.

In recent years Spanish museums have paid out vast sums of money to buy, or rent for display, antiquities found by private treasure hunters. Experts say it would be cheaper for the Spanish to mount their own salvage operations, especially since treasure hunters' main information resource for locating potentially valuable wrecks is Spain's own Archive of the Indies, in Seville.

- Some countries, like **Cuba and the Dominican Republic**, have signed deals with commercial companies which allow them to search their waters in return for a percentage of any treasure found. The Association for the Salvage of Spanish Galleons which supplied some of the legal research used in the US court case believes that legal actions are unlikely to be effective in these cases.



## Cambodian Update & Thai Crackdown

*The looting crisis in Cambodia continues to feature frequently in news reports, along with increasing evidence of a Thai crackdown on smuggling. Many reports highlight the link between stolen and faked antiquities:*

- Sor Vathana, researcher with the Cambodian Government's Department of Antiquities highlighted the case of a **small Buddha head** recently hammered and chiseled out of a wall in the temple of **Kroal Kor**. She commented that usually looting techniques are 'much more sophisticated'. There is speculation that looting has reached epidemic proportions in recent months partly because of the regional economic crisis.
- Police investigators believe that about **ten freelance gangs** are now looting the 15-square-mile **Angkor area**.
- Two truck drivers whose lorries were impounded at the Cambodian/Thai border in January carrying **117 pieces of sandstone** reliefs looted from the Khmer temple of **Banteay Chmar** (see 'In The News', Issue 4) are now in jail. The loot has been returned to Cambodia by Thai authorities.
- **Ten people**, including two police officers, are reported to have been **arrested since late May** in connection with looting at four ancient temples in the **Angkor complex**. A newspaper reported that the thieves had removed **ten statue heads, a full statue and a bas-relief carving of an elephant**.
- In July, Thai officials announced their biggest ever recovery of illicit antiquities — probably smuggled from **Cambodia**. They discovered **40 tons of stone carvings** dating back to the eighth century after dredging ponds in the old royal capital of **Ayutthaya, north of Bangkok**. Subsequent reports indicate that the hoard probably consisted of

**fakes**, which were being kept underwater to 'age' them.

- Shortly afterwards Thai customs agents seized **29 wooden crates containing 43 Cambodian antiquities** including Buddhist and Hindu sculptures, weighing several tons and estimated to be worth millions of dollars. Although usually such consignments are smuggled over land, these are believed to have arrived in Bangkok by sea freighter via Singapore from the Cambodian port of **Sihnoukville**. Three Thai men listed as receiving agents on the invoices, which described the shipments as polished sandstone, were arrested.
- A **crackdown on antiquities smugglers** ordered by Thai acting Education Minister Somsak Prisana-anantakul resulted in the impounding by police of **110 artefacts** believed to have been smuggled from **Cambodia** after forced searches of antique shops in the **Riverside Shopping Mall, Bangkok**. If the items prove to be genuine then legal action will be taken, said a police spokesman.
- Acting minister Somsak said that **Thailand** is in the process of drafting **tougher laws** against illicit antiquities dealers.



## 'Steinhardt Phiale' Decision

On 12 July, the Second Circuit Court of Appeals in New York made its ruling in the case of *U.S. v. An Antique Platter of Gold*, otherwise known as 'the Steinhardt Phiale', **affirming that it should be forfeited** as the Federal District Court had ordered two years ago. The phiale, a fourth-century BC gold platter, was apparently **illegally exported from Caltavuturo**, northern Sicily, and imported into the US from Switzerland where it was purchased by antiquities collector Michael Steinhardt for \$1.2 million in 1992. It was seized by US Customs agents in 1995 in response to a request for assistance by the Republic of Italy.



The appeals court decreed that **misrepresentation of the country of origin** (entered as 'Switzerland' rather than Italy) on its documentation misled customs officials and violated customs regulations. The judgment avoided the key question as to whether, given that in Italy archaeological material is the property of the State, the phiale counted as stolen property in the USA under the National Stolen Property Act.

In a letter to the *Art Newspaper* in June **Robert Haber**, the dealer who imported the phiale into the US strongly denied that he made any false representation to the Customs Service explaining that a computer default on his broker's system caused the 'country of origin' box to be completed with name of the country from which the item was being shipped: Switzerland. The accompanying invoice, he argues, stated clearly that the platter was 'classical' dating to 'c. 450 BC' and, as such, was clearly not Swiss. He did not address the issue of the **value discrepancy** (reportedly listed on customs documentation as less than one quarter of the sale price), which had also been highlighted.

The court rejected Steinhardt's 'innocent owner' defense.

## Seizures in Pakistan

**Six gun-metal boxes** containing stolen antiquities were seized in **May by Pakistani customs authorities** at an airstrip in Peshawar. Labelled as 'handicrafts of no commercial value', but estimated to be worth at least £20 million, they included **Gandharan carvings, coins, metal weaponry, tiles and gold jewellery** probably plundered from museums and excavations in Afghanistan.

The boxes were bound for **London, Frankfurt and Dubai** via Pakistan International Airlines (PIA). Two were addressed to **Artworld Shipping of London**, a freight forwarding agency who told *The Sunday Times* that they could find no record of a consignment due on that date.

The crates were discovered after police investigated the activities of **Peshawar dealer Haji Khalil** who had boasted that he could get

anything for the right price. Their suspicions had reportedly been aroused earlier this year when £150,000 of antiques were stolen from his shop, but no crime reported. PIA's security manager and a customs clearing agent apparently told police that Khalil had bribed them to ignore the consignments.

## More 'Just Returns'

- **Four ancient sculptures** looted from Nepal have been **returned by a Los Angeles-based art collector** to the National Museum in Kathmandu. They are:

- a ninth-century Buddha image;
- a tenth-century Garudasana Vishnu image;
- the mutilated head of a twelfth-century Sarawati image;
- a fourteenth-century Surya image.

Nepalese Department of Archaeology officials did not reveal how the pieces were recovered nor how they were smuggled out of the country.

Jürgen Schick, author of *The Gods are Leaving the Country: Art Theft from Nepal* noted that this restitution was a 'historic event'. He added that Nepal has experienced less art theft in the nineties, commenting 'I guess there is not much left to steal'. Many remaining statues in Nepal are now protected by iron bars cemented into the ground to deter looters.

- In July **Jordan** handed over to Iraqi authorities more than 1000 Mesopotamian antiquities seized during a smuggling crackdown. Some were **cuneiform tablets, statues, incantation bowls and cylinder seals** which an Iraqi archaeologist said 'filled gaps in our knowledge of ancient languages and deeds of Mesopotamian monarchs'. **A three-foot-high statue of a Sumerian monarch** was also among the hoard, although it is impossible to tell which king is depicted since the looters chopped off his head.

Jordanian officials said the police had stopped a plane that was about to take off, but would give no further details.



- In August **Jordanian officials** returned to **Egypt 28 artefacts** seized from thieves at the Red Sea port of Aqaba in April. The smugglers remain in custody, but Egyptian officials have hinted they were Egyptians with a history of art smuggling.

The pieces, estimated to be worth tens of millions of dollars, were looted from Egyptian archaeological sites in the spring. They included the 66 lb **head of a statue of the god Serapis**, six turquoise and brown magic charms and 21 shawabtis.

- New York lawyers **Howard Spiegler and Lawrence Kaye**, acting on behalf of the **Guatemalan government**, have once again secured the return of a stolen antiquity — in this case a section hacked from a 1000-year old, 7½ ft, white stone stela carved in the shape of a standing figure. The carving, which depicts a masked, bejewelled human figure was offered for sale by an anonymous American collector who agreed to return it to Guatemala when its provenance (the site of **El Peru** in Petén) and history were revealed. Spiegler would not discuss how the collector had obtained the piece.



Guatemalan Consul General Fabiola Fuentes Orellana particularly thanked archaeologist **Ian Graham**, who recognized the stolen piece and alerted US Customs, and the collector for their co-operation. She emphasized that Guatemala will continue its tireless efforts to ensure that all antiquities illegally removed are found and 'brought home'.

## Arrest in Tibet

Reports of the arrest of prominent **Tibetan art dealer, Tsering Tashi** have appeared in official media in Lhasa. He owns an exclusive art

gallery in Kathmandu with a Tibetan partner, has good connections in the international art world and travelled frequently to **Hong Kong**.

Media coverage indicates that Tsering Tashi's arrest may be linked to an early morning raid on **Yumbu Lagang palace** in Lhoka prefecture, in the Tibet Autonomous Region (TAR) in February, during which three men apparently stole **37 cultural relics** including a copper statue of Tibetan deity Chenresig. Ancient statues and a set of thangkas were stolen from **Nalendra monastery, Phenpo, TAR** at around the same time.

## Dino-Mania

*It seems worth mentioning that palaeontologists are facing a similar situation to archaeologists with sites and specimens looted to feed the commercial market.*

- One of **Mongolia's** top palaeontologists, **Pagmin Narmandakh** has reported increasing incidence of looting of **dinosaur skeletons** in the **Gobi desert**, recognized as a cradle of dinosaur life. She says she doesn't know who is buying the skeletons, or how they make it out of the country, but the money trail allegedly leads to **China and Japan**.
- In August the FBI recovered from Europe a **T-rex jawbone** which had been stolen, in 1994, from a laboratory drawer in the **Museum of Paleontology, University of California, Berkeley**.

Mark Goodwin, principal scientist at the museum said that when the theft was discovered he was careful not to raise the alarm too loudly for fear that the thieves would go to ground and the fossil disappear. From 1997 onwards he began to notice **replicas** obviously made from the distinctive original appearing in fossil catalogues and museums. FBI agents working with local authorities tracked the fossil markets in **Germany and Belgium** and located the fossil, but could provide no further details as the investigation is still active.



## US Bi-lateral Agreements

- On September 16, 1999, a **cultural property** request was received from the **Government of the Republic of Italy**. It seeks **U.S. import restrictions** on categories of archaeological material in stone, metal, ceramic, bone, and glass, and wall paintings from the fifth millennium BC to the fifth century AD. The Cultural Property Advisory Committee met to review the request on 12 and 13 October. It was vehemently opposed by dealers and Democrat senators **Moynihan and Shumen** (see Editorial).
- December: In response to a request from the Government of the Kingdom of **Cambodia** under Article 9 of the 1970 UNESCO Convention, the **US Government** imposed an emergency import restriction on certain **Khmer stone archaeological material** ranging in date from sixth–sixteenth century AD. The Cultural Property Advisory Committee, which reviewed Cambodia's request and recommended this action, found that the material is a part of the remains of the Khmer culture 'the record of which is in jeopardy from pillage, dismantling, dispersal, or fragmentation which is, or threatens to be, of crisis proportions'. The U.S. Department of State press release notes that the United States takes this action in the hope it will reduce the incentive for further pillage of the cultural heritage of the people of Cambodia.

## Theft in LA

In Los Angeles, a collection of rare **Roman and Byzantine coins**, worth an estimated \$1,000,000 was stolen from a third floor apartment in a off-campus office and classroom used by **Loyola Marymount** university staff sometime between 25 and 27 June.

## Looting in Lebanon

The Directorate-General of Antiquities in

**Lebanon** continues its work documenting the country's archaeological heritage (see 'In The News', Issue 4) noting that at the ruins of a **Roman temple at Al-Husayn** indications of illicit excavation were still clearly evident. Although broken column pieces were found, there was no sign of a single column base or capital.

## Illicit Antiquities in Israel

**Amir Ganor**, chief of the theft prevention division of the **Israel Antiquities Authority** says that arrests for antiquities thefts have more than quadrupled since 1996, when only four illegal antiquities traders were arrested. He says that dealers want to stock up on ancient knik-knaks to sell to the many tourists expected to make a millennium pilgrimage to the country in future months. Authorities have been working to improve surveillance using infrared and night-vision binoculars, installing alarms and increasing foot patrols.

In Israel it is legal for licensed dealers to buy and sell antiquities. There are **70 licensed antiquities dealers** in the country, but Ganor estimates that **95 per cent** of their merchandise is stolen, although he cannot prove it.

Both Israeli and Palestinian authorities acknowledge that antiquities theft has increased in newly-Palestinian controlled areas. The fledgling **Palestinian Antiquities Authority** has promised to create an anti-theft division.

- May: A **local man** was apprehended completing a £13,000 sale of 300 antiquities — including **84 decorated oil lamps** (Hellenistic to Islamic period), Egyptian scarabs, amulets and other items — to a **Jerusalem shopkeeper**.
- An **unlicensed antiquities dealer** was caught in **Jaffa** in July, after a lengthy intelligence operation. He was offering for sale **Hellenistic and Roman coins** probably stolen from sites in the Jerusalem area. One was a rare bronze coin dating to the time of the **Bar-Kokhba revolt**. After pleading guilty



to unauthorized commerce in antiquities the man was freed on 5000 NIS bail.

## Powers of Seizure

British Arts Minister Alan Howarth has emphasized that **H.M. Government** will use its **powers of seizure** to prevent the illegal export of archaeological material, following an incident in which an American attempted to **smuggle out his metal detecting finds**. The several hundred coins and metal items, found in Norfolk, are now owned by the **Norfolk Museum Service**.

## Australian Mufti

The controversial **Mufti**, leader of Australia's Moslem community who was arrested in February for alleged involvement with a smuggling syndicate (see 'In The News', Issue 4) has told *The Sydney Morning Herald* that he was the target of a **conspiracy** by elements of the Egyptian authorities who want to ruin his reputation. Although he claimed that a judge had cleared him of any charges, the Australian Department of Foreign Affairs said their understanding from the Egyptian authorities was that the case remained unresolved and the Mufti would face **another court hearing** in Egypt.

## Latin American Workshop

A regional workshop entitled *Fighting the Traffic of Objects of Cultural Heritage* was held in **Cuzco, Peru** early in October. Representatives of government and private cultural institutes from Latin America, and staff from art and antiquities units of Interpol, the FBI and Scotland Yard, met to explore options for preventing illicit trade. Maria Isabel Gomez, Ministry of Culture, **Colombia** identified lax laws as a major problem, but once again the crucial issue was seen to be education and awareness. The conference agreed on the need to create art registries and train police and customs agents, especially in recognizing **fakes**.

## Local Hero

Archaeology enthusiast **Alex Pastrana** set off an unexpected chain of events when he confronted two men extracting antiquities from the ground near **Blue Creek**, a Maya site in northern Belize. The men had come across a **Protoclassic (AD 50–250) tomb** in a earlier storage pit and refused to stop digging when Pastrana challenged them. They allowed him to make notes and photograph *in situ* burial goods such as a **jade necklace, bracelet and 28 pots**, but outnumbered and with no authority to seize the artefacts, Pastrana had no choice but to leave. The next day he awoke to find all the pots piled outside his front door, but the following morning, alerted by rumours, government officials and police arrived to arrest him. The authorities changed their tune when they saw Pastrana's drawings and numbered lists.

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Reuters  
The Salt Lake Tribune  
The Sunday Times  
The Times

**We are always pleased to receive relevant press clippings and news items.**



# The concept of due diligence and the antiquities trade

NEIL BRODIE

In March 1999 the Council for the Prevention of Art Theft (CoPAT) introduced two codes of due diligence for use by art dealers and auctioneers. They were prepared in response to concerns mounting about the theft of art and other cultural material and its subsequent movement through the market. The high incidence of theft and the circulation of stolen material erodes public confidence and discourages potential purchasers, and it also generates financial risks. Dishonest dealers are few and far between but even an honest dealer, or collector or museum, may lose money if caught inadvertently in possession of stolen goods. Thus all sectors of the art market stand to benefit from a reduction in criminal activity, and it is against this background that the new CoPAT Codes should be considered.

The concept of 'due diligence' has come into focus over the past ten years following the judgement in *Indiana* on the return of the Kanakariá mosaic fragments to Cyprus and the drafting of the 1995 Unidroit Convention (where demonstration of due diligence at time of purchase is a necessary prerequisite of compensation should a stolen object be reclaimed).

## The Kanakariá mosaic decision

In the 1989 Kanakariá case the Indiana District Court judge dismissed Peg Goldberg's claim of a good faith purchase on the grounds that she had not been adequately diligent at the time of purchase (Gerstenblith 1995, 113). In particular, she:

- knew that the mosaic fragments came from an area under military occupation;
- knew that the fragments were unique objects of a type that do not ordinarily enter commerce;
- knew that there was a great disparity between the apparent value of the fragments and the price paid;
- knew very little about the seller or the dealers involved, although she did know that one had a criminal record;

- knew that the transaction was carried out in great haste;
- made no enquiry about the status of the fragments to any Cypriot, cultural or commercial organization.

Any or all of these circumstances should have put her on her guard, and she could not in all honesty claim that she had not been aware of the illicit nature of her purchase.

## The 1995 Unidroit Convention

Article 4(4) of the 1995 Unidroit Convention makes a similar set of recommendations for the exercise of due diligence in transactions involving cultural material:

In determining whether the possessor exercised due diligence, regard shall be had to all the circumstances of the acquisition, including the character of the parties, the price paid, whether the possessor consulted any reasonably accessible register of stolen cultural objects, and any other relevant information and documentation which it could reasonably have obtained, and whether the possessor consulted accessible agencies or took any step that a reasonable person would have taken in the circumstances.

Lyndel Prott (1997, 46) has discussed Article 4(4) in some detail. When considering the circumstances of the acquisition regard should be paid to the place and time of transfer and the type of packaging. Objects from areas known to have recently been heavily looted must be treated as suspect (e.g. Cambodia, Mali) and more rigorous investigation of their original acquisition is called for, while the illicit origin of some classes of antiquities can be presumed (Cycladic figurines, Apulian vases). Simple checks with registers or data bases of stolen art are not recognized by Prott as sufficient for cultural objects as, generally, they are not listed. She recommends instead that full use should be made of other resources such as the duplicate catalogue for the Kabul Museum held at Musée Guimet and that of the Angkor Conservation Centre held at the Ecole française de l'Extrême Orient.

## The 1999 CoPAT Codes

The 1999 CoPAT Codes now set a standard of diligence which, if adhered to, is designed to protect honest dealers and auctioneers from the activities of thieves and their accomplices, and also to impede the free flow of stolen material



through the market. The dealers code recommends that they should endeavour to:

- Request a vendor to provide their name and address and to sign a form identifying the item for sale and confirming that it is the unencumbered property of the vendor and they are authorized to sell it, and this form will be dated.
- Verify the identity and address of new vendors and record the details.
- Be suspicious of any item whose asking price does not equate to its market value.
- If there is reason to believe an item may be stolen:
  - a) Attempt to retain the item while enquiries are made.
  - b) Contact the officer with responsibility for art and antiques within the local police force area.
  - c) Check with relevant stolen property registers.
  - d) Pass to the police any information which may help to identify the person(s) in possession of such items.
  - e) If still uncertain, refuse to buy, sell or value it.
- If requested, submit catalogues to the officer with responsibility for art and antiques within the local police force area.
- Look critically at any instance when requested to pay in cash and avoid doing so unless there is a strong and reputable reason to the contrary. In the absence of such a reason, pay by cheque or other method that provides an audit trail.
- Be aware of money-laundering regulations.
- Appoint a senior member of staff to whom employees can report suspicious activities.
- Ensure that all staff are aware of their responsibilities in respect of the above.

Previous codes of professional conduct have warned dealers to act with probity but the CoPAT codes go further in describing a set of specific precautions. Their introduction was accompanied by the appointment of an art and antiques liaison officer in each of the United Kingdom's 47 police forces in a move to maximize their effectiveness.

### **The archaeological point of view**

From the point of view of the archaeologist concerned about the destruction of archaeological sites around the world, the CoPAT Codes may

seem at first sight to be largely irrelevant. Their purpose is to combat straightforward theft and they are designed accordingly. They are not intended to solve problems caused by the illegal export, smuggling or cross-jurisdictional transacting of antiquities. Thus, for instance, as pointed out by Prott, material recovered during unrecorded and illegal excavation will not appear on any stolen property register and its absence is no guarantee of its legality

### **Money laundering**

It is interesting to note, however, that the CoPAT Codes draw attention to money-laundering regulations. This marks a significant departure from previous professional codes, and definitions of due diligence, and extends the concern of the CoPAT Codes to areas of international crime outside of straightforward theft and handling of stolen goods. It is not surprising. According to Scotland Yard the majority of art is stolen for the purpose of laundering money, and art sales are often components of the laundering process (Mayes 1996, 1; Ulph 1998, 343).

Antiquities dealers are at risk from the activities of money launderers just as surely as they are from those of thieves, and dealers in unprovenanced antiquities certainly have more to fear from recent legislation. Since the late 1980s, Parliament has approved a series of Acts aimed at discouraging crime by depriving criminals of its proceeds, and which have been co-ordinated and given better focus by the Money Laundering Regulations of 1993 which passed into British law as the implementation of EU Directive 91/308/EEC of 10 June 1991. It is now recognized that these new laws offer a better means of combatting art crime and, by extension, the illicit trade in antiquities, than those contained in the 1968 Theft Act. Indeed, one senior police officer has gone so far as to describe these new laws as a 'godsend' (Hill 1996, 288).

### **Suspicion or belief?**

Under the Theft Act a dealer can be found guilty of handling stolen goods provided that it can be established that he or she had reasonable cause to believe that they were stolen. Mere suspicion of theft is not strong enough for a successful conviction. But now, under the 1988 Criminal Justice



Act and the 1994 Drug Trafficking Act, it seems that a dealer or auctioneer acting as an intermediary to arrange a transaction can be convicted of assisting another person to retain the proceeds of a crime, if there is good reason to suspect that one of the parties to the transaction has engaged in or benefited from a criminal action (Snaith 1998, 381). Legal commentators have not been slow to point out that suspicion implies a more uncertain state of knowledge than belief (*ibid.*, 381).

Yet it remains the case that the majority of antiquities on the market are without a full and properly documented provenance, and if the method of their original acquisition is unknown then it must be suspect. The appearance on the market of a previously unreported Apulian vase, for instance, must immediately arouse the suspicion that it has been recently looted or smuggled. And how could any reasonable person fail to realize that the flood of unprovenanced material now pouring through the market from the major drug producing areas of central and southeastern Asia and Latin America is anything other than suspect? Direct links between drugs trafficking and antiquities smuggling in Central America for instance have been reported on more than one occasion. In Belize and Guatemala jungle airstrips are used by criminals to smuggle out drugs and antiquities (Yemma 1997; Dorfman 1998; Varadarajan 1998) while at the receiving end a smuggler's plane arriving in Colorado from Mexico was found to contain 350 lb of marijuana and many thousands of dollars-worth of Pre-Columbian antiquities.

There is also evidence to suggest that antiquities are being used to launder money. In September 1999, 271 artefacts which had been stolen from the Corinth Museum in 1990 were recovered in a warehouse in Miami stored in twelve fish crates (Lynch 1999; also see 'In the News'). Yet in Miami where, over the past ten years, there have been several seizures of stolen or looted archaeological material (from Greece, Ireland, Peru and Guatemala), US Customs have discounted the presence of an organized 'antiquities smuggling racket' and blamed instead the large quantities of 'dirty' money present in south Florida (Tasker 1999).

Although the new CoPAT Codes were

ostensibly designed to tackle the problems caused to the art market by theft, the threats posed by launderers were also given some thought. As a result, the Codes are at some points similar to the money-laundering regulations (Snaith 1999), but there are also some significant omissions.

An audit trail is a central defence against laundering as it records the movement of money through the market. The CoPAT Codes require the identification and verification of vendors, and emphasize the need to create an audit trail by payment by cheque, but there is no similar requirement to record and verify the identity of a purchaser, so that any trail is lost at point of purchase. Dealers are also warned to be suspicious of asking prices which seem to depart from the apparent value of an object. But there are other circumstances which might provide grounds for suspicion, including payment by cash for high value objects and the unusual transfer of funds across jurisdictions, or from off-shore financial centres. The circumstances discussed by Prott in relation to Article 4(4) of the Unidroit Convention are also relevant, but not highlighted in either of the codes.

### Provenance

But although there are many circumstances that may arouse suspicion, none do more than the absence of a properly documented provenance. Yet members of the antiquities trade continue to emphasize their policy of 'innocent until proven guilty' when considering the source of an acquisition, arguing that it is not their job to carry out exhaustive enquiries into an object's provenance. But in consequence, time and again, auction houses at least have been caught offering stolen material. In future their claim that there was no reason to believe that the material was stolen will be no defence. They have every reason now to suspect that unprovenanced material may well be stolen or otherwise connected with a criminal activity. The CoPAT Codes would have done well to point out that at points of purchase the principle of 'innocent until proven guilty', whatever its ethical basis, begins to look increasingly naïve in the international arena of late twentieth-century crime.

To protect themselves any dealer purchasing unprovenanced material should ensure that it



is accompanied by proper documentation, including export certification, from the country of origin. An export licence from an intermediary country is of no value whatsoever in this context, and indeed, in itself, is a cause for suspicion. If the correct documentation is not forthcoming then the purchase should be avoided.

EU Directive 91/308/EEC was designed to combat money laundering across Europe by imposing statutory regulation on the financial sector, and it is a measure of its success that launderers are now thought to be turning their attention to less well-regulated sectors of the economy, including the art market. It was in view of this that Mark Dalrymple, the Chairman of CoPAT, warned the trade that if a workable code of self-regulation cannot be achieved then statutory regulation will be imposed.<sup>1</sup> Indeed, the time for self-regulation may already be past. The money-laundering regulations of some EU countries already encompass antiquities dealers (Greece, Spain and Portugal) and the European Commission has recommended to the European Parliament that statutory regulation be extended to businesses and professions outside the traditional financial sector. Specific mention was made of art and antique dealers (Financial Action Task Force on Money Laundering 1998, 10; Ulph 1998, 343).

### **An open trade is an honest trade**

The secrecy in which the antiquities trade operates has traditionally shielded it from the scrutiny of archaeologists concerned about the damage it might cause, and protected it from outside interference or regulation. But this secrecy now looks set to attract the attention of a sinister cast of characters, more dangerous altogether than form-waving bureaucrats or even the most rabid of archaeologists, and may yet prove to be the undoing of the very business it is designed to protect. To see off the emerging criminal threat, antiquities dealers and auctioneers must choose to operate by principles which are concordant with those of an open society and carry out their business in a manner which is readily accountable. They must act now to develop a fully transparent market so that illicit material can easily be identified and avoided.

When launching the CoPAT Codes the Home Office Minister Paul Boateng looked forward to 'a straight and uncorrupted market',<sup>2</sup> and for the art trade generally the Codes are indeed a large step in that direction, and can only be welcomed. But for the antiquities market they are not enough. There are longer steps yet to be made before Boateng's ideal is finally realized.

### **Notes**

1. Quoted in *Antiques Trade Gazette* 7 November 1998, 1.
2. Quoted in *Antiques Trade Gazette* 13 March 1999, 2.

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## A symposium - 'Illicit Antiquities: the Destruction of the World's Archaeological Heritage' 22-25 October 1999, Cambridge

NEIL BRODIE & PETER WATSON

The illegal excavation or looting of archaeological sites and the despoliation of historical monuments for commercial gain are now well-described phenomena. The scale and nature of the destruction caused by these activities, however, have not yet been fully documented. In order to redress this situation some fifty archaeologists, police, government ministers and lawyers met in Cambridge over the weekend of 22-25 October 1999 to exchange information and discuss new ways to head off the global disaster of plunder which threatens the world's oldest civilizations and cultures.

A special 'Cambridge Resolution' was passed which aims to encourage effective national legislation for the protection of cultural heritage and seek agreement among governments, museums and collectors that it is wrong to purchase antiquities without documented provenance or

history. Dr George Abungu, Director General of the Museums of Kenya, was elected Chairman of a new International Standing Committee on the Traffic in Illicit Antiquities (ISCOTIA). The committee was formed following three days of presentations from around the world. These provided new and alarming evidence of the devastation caused by vandalism to hundreds of thousands of archaeological sites worldwide.

Among the symposium's most important revelations were:

- The first comprehensive details on looting in more than 20 countries. Statistics of this kind have never been collected before. It is now possible to grasp the dimensions of the disaster.
- The widespread use of explosives in illegal vandalism. Dynamite, hand grenades, rocket launchers and other violent materials are now regularly used to steal antiquities and frighten the local population. To talk about 'illegal excavation' is no longer tenable. Plunder, more often than not, involves violent destruction. Collectors must realize that.
- A sinister link to drugs and money laundering. This was reported by representatives from Belize, Cyprus, Greece, Guatemala, Italy, Mexico, Peru, Thailand and Turkey.
- An aggressive change in collecting habits, from the classical world to artefacts found in Africa, the Far East and Latin America. This is a dis-



*Participants at the Symposium, 'Illicit Antiquities, the Destruction of the World's Archaeological Heritage'.*



aster for developing countries.

- New initiatives by many countries, as the situation deteriorates: Belize, China, Cyprus, Italy,

Jordan, Mexico, Peru, Syria, Thailand.

- An idea of cultures known to be particularly threatened.

### Some statistics

**Italy:** 120,000 antiquities seized by police in five years;

**Italy:** 100,000+ Apulian tombs devastated;

**Niger:** in southwest Niger between 50 and 90 per cent of sites have been destroyed by looters;

**Turkey:** more than 560 looters arrested in one year with 10,000 objects in their possession;

**Cyprus:** 60,000 objects looted since 1974;

**China:** catalogues of Sotheby's sales found in the poor countryside: at least 15,000 sites vandalized, 110,000 illicit cultural objects intercepted in four years;

**Cambodia:** 300 armed bandits surround Angkor Conservation compound, using hand grenades to blow apart the monuments; 93 Buddha heads intercepted in June this year, 342 other objects a month later;

**Syria:** the situation is now so bad a new law has been passed which sends looters to jail for 15 years;

**Belize:** 73 per cent of major sites looted;

**Guatemala:** thieves now so aggressive they even looted from the laboratory at Tikal;

**Peru:** 100,000 tombs looted, half the known sites.

*The papers read at the symposium were of a uniformly high standard. The brief summaries which follow cannot hope to do them full justice and in each case only a few of the many valuable observations and facts provided are reported. The full texts will be published in due course as a monograph of the McDonald Institute for Archaeological Research.*

### The Destruction of the Archaeological Heritage of Cyprus

SOPHOCLES HADJISAVVAS (Department of Antiquities of Cyprus)

Tomb looting in Cyprus has a tradition of over 3000 years but since 1964 has intensified, particularly after the Turkish invasion of northern Cyprus in 1974. Since then it is estimated that more than 60,000 ancient artefacts have been illegally transferred to different countries of the world, together with perhaps another 16,000 icons and mosaics stolen from churches. In one case it is known that an auction house in London offered antiquities stolen from a registered

collection, although most of the unprovenanced antiquities offered are probably from illegal excavations. The Cypriot police have recently established a specialized art squad and campaigns of public awareness are carried out by the Department of Antiquities and the Ministry of Education and Culture. In April 1999 a bilateral agreement was signed with the United States to protect Byzantine antiquities.

### Some Remarks on the Destruction of Turkey's Archaeological Heritage

ENGİN ÖZGEN (Hacattepe University, Ankara)

Regions in the south, east and southeast of Turkey are open to constant looting by local people suffering from economic hardship. In 1997, 565 people were arrested who had more than 10,000 objects in their possession but the actual number of unrecovered, illegally excavated objects must be three times that number. To stop the illicit trade

it would be necessary improve the present laws and make available the resources necessary for their enforcement, develop an understanding of Turkey's cultural heritage by education at school, and prepare a proper documentation of the country's archaeology in readiness for a possible bilateral agreement with the USA.



## **Mexico**

JAIME LITVAK KING (Instituto de Investigaciones Antropologicas, Universidad Nacional Autonoma de Mexico)

The looting of archaeological and historical sites for supply of illegal private collections has been quite frequent in Latin America for many years. Its causes have, however, not always been the same. It began with antiquities from sites in the estates of collectors. The formation of an urban élite made owning antiquities a mark of aristocracy. Agrarian reform increased

the numbers of antiquities found and one consequence was the growth of professional groups of dealers. Today the problem is further complicated by the tourist trade and industrial development. The international market is further boosted by the looting on a massive scale of antiquities in countries with internal wars, where their sale helps to fund the fighting.

## **Collecting the Classical World: the Idea of a Quantitative History**

CHRISTOPHER CHIPPINDALE (University of Cambridge), DAVID GILL (University of Wales, Swansea), EMILY SALTER & CHRISTIAN HAMILTON (University of Cambridge)

The authors pose the question: Are the objects in present times being extracted from archaeological sites and surfacing without record of their archaeology and history a small, or even an inconsequential proportion of what has survived from ancient times to the present? Or are they an overwhelming proportion — to the point that productive new understanding of these ancient objects and of the societies they record

has become or will shortly become impossible?

After presenting the results of four quantitative studies (Cycladic figurines, contemporary classical collections, movement of classical material through auction houses, long-term history of a classical museum collection) they tend towards the latter view, that the material consequences of collecting have been very damaging.

## **Destruction of the Archaeological Heritage: Illicit Excavation in Contemporary China**

HE SHUZHONG (National Administration on Cultural Heritage)

The archaeological heritage in China has been damaged seriously by illicit excavation during the past ten years. In Inner Mongolia, for instance, the area of the Neolithic Hongshan Culture, about which very little is known, it is estimated that at least 4000 tombs, and perhaps as many as 15,000, have been illegally excavated. Underwater sites

too are being attacked with increasing frequency. Although China has ratified international conventions on the protection of the cultural heritage and the customs service is active it is still difficult to stop the looting of archaeological sites. Educational initiatives have been successful but more are needed.

## **Apulian Vases**

RICK ELIA (Boston University)

In another quantitative study the author focuses upon the red-figure vases of Apulia, Italy, which have been comprehensively catalogued by Professors Trendall and Cambitoglou. Only 753 of these vases were recovered during an archaeological excavation, the remaining 13,000 are without contextual information, and

to produce them several thousands of ancient tombs must have been plundered. Much of this looting has probably been carried out over the past ten years. Sixty per cent of all known Apulian vases are no longer in Italy. Most are sold in Britain or the United States.



## **Examples from Kenya and Somalia**

GEORGE H.O. ABUNGU (National Museums of Kenya)

With the opening up of the world market in antiquities and the realization that Africa has a rich but unprotected heritage, the dealers have descended on the continent. They operate through middle persons who come from within local communities and who do not feel tied to the customary or traditional beliefs which have in the past protected sites. The wars in Africa have also created a conducive atmosphere for this destruction. Even in countries subject to the rule of law, some sites are located in remote and ungovernable areas making it easier for looters to operate.

Population pressure and unemployment coupled with the quick money emanating from antiquities dealing have not helped the situation.

Archaeological heritage — seen as cultural heritage in developing countries — is not the priority health, education, water, and job creation are to governments. It will take some time to sensitize governments on the role of archaeology or, for that matter, culture, in the development of a national or social identity. The destruction of archaeological heritage is a problem for the international community.

## **Destruction of Archaeological Heritage in Tanzania: the Cost of Ignorance**

BERTRAM B.B. MAPUNDA (History Department, University of Dar es Salaam)

Illegal excavation for valuable artefacts is not a very serious problem in Tanzania although some sites, including rock shelters, especially those with art, are damaged by people digging for 'hoards' which are rumoured to have been buried in colonial times and before. Sites are also vandalized and accidentally destroyed by large construction projects or by smaller agricultural improvement at a local level. These problems are amplified by the lack of a clear

law requiring land developers to conduct archaeological impact assessment and to adhere to mitigation measures thereafter.

Over 85 per cent of Tanzania is rural, and a good number of its archaeological sites are located in rural areas, so that they will always be in danger until the rationale of fully involving local communities in heritage resource management is recognized.

## **Niger**

BOUBÉ GADO (Institut de Recherches Sciences Humaines, Université de Naimey)

In the north of Niger, which is mainly desert, palaeontological and prehistoric sites, when exposed, are damaged by individual collectors, some unauthorized. The situation is more serious in the southwest of the country where historical sites are particularly attractive to looters. The situation was made worse by the international '*Valleys of the Niger*' exhibition which toured France and West Africa and brought to the attention of western collectors the funerary art from sites in the area of Bura.

Looting of these sites has since 1994 been systematic and it is estimated that 90 per cent have been damaged.

The protection of the cultural heritage should happen through its integration into the process of development. This would promote the judicious exploitation of archaeological resources by creating long-term employment opportunities through craft production and tourism for the local population.



### **Looting of Archaeological Sites in Italy**

GIOVANNI PASTORE (Carabinieri for the Protection of Artistic Heritage)

Experience in Italy has shown the existence of criminal organizations involved with the illicit trade. Antiquities leave Italy by road, perhaps in refrigerated trucks which are not carefully checked, or hidden in shipments of modern replicas. Some Swiss towns, for example Geneva, are important places of distribution where Italian antiquities enter the international market. Archaeologists inadvertently help the trade by acquiring unprovenanced pieces for museum and university collections and by authenticating pieces. The Section of Carabinieri for the

Protection of Cultural Heritage was formed in 1969 and has units in areas at risk of looting. They patrol their relevant jurisdictions and monitor the market for stolen material. Over the years the Carabinieri have recovered about 326,000 archaeological items from illegal excavations. Over the past five years 99,970 were recovered in Italy and 1297 abroad. At the G8 Conference held in Bonn this year it was decided to consider crimes against the cultural heritage alongside the traffic in drugs, human body parts and weapons, and money laundering.

### **Looting and the Market for Maya Objects: a Belizean Perspective**

ELIZABETH GILGAN (Boston University)

Although there has been legislation concerned with protecting and preserving cultural material in Belize since the late 1800s, looting and illegal exportation of artefacts still occur. Sandwiched between Mexico and Guatemala, Belize is in a prime location to serve as a transit point for illegal export of Pre-Columbian material from neighbouring countries. Currently the Department of Antiquities is working on drafting a request to the U.S. Cultural Property Advisory

Committee to impose a ban on imports from Belize which will also help to halt the flow of antiquities from Mexico, Guatemala, and Belize.

A study of Sotheby's catalogues from 1971 to 1999 shows that only three out of 3209 Maya objects recorded specify Belize as a provenance. 1788 list no information at all about location but there are reasons to suspect that possibly as many as 2153 artefacts originated in Belize.

### **Antiquities without Archaeology in the United Kingdom**

PETER ADDYMAN (York Archaeological Trust)

British laws relating to portable antiquities are among the least prescriptive in the world. Objects found on the 13,000 or so Scheduled Ancient Monuments may not be removed except by an approved archaeological excavation but otherwise, in general, antiquities belong to the owner of the land on which they are found and may be removed by the owner. Thus their removal may not be illicit but may be damaging nevertheless. A survey by English Heritage reported that, between 1988–94, 188 sites of their sites were damaged by metal detectorists,

often working at night. The Portable Antiquities Recording Scheme was instituted in 1997 and now has twelve recording officers. In one county alone — Kent — 100,000 objects were reported in one year, 43 per cent were coins. The way forward for protecting Britain's archaeological heritage is seen to be by raising public awareness. The network of Portable Antiquities Liaison Officers now being established will endeavour to educate the public about the value of the heritage and the need to safeguard it.



### **Protecting the Past for the Future: Federal Archaeology in the United States**

VELETTA CANOUTS & FRANCIS P. MCMANAMON (National Park Service)

In 1979 it was estimated that nine out of every ten known archaeological sites in the United States had been disturbed, although the statistics to back up this claim are difficult to come by. Activities that disturb and destroy sites run along a continuum from land development and resource extraction to commercial looting and intentional vandalism. In a study of mounds in the Lower Mississippi region it was shown that looting was second to agriculture in causing

destruction by a factor of almost 2 to 1, 2282 mounds to 1198 respectively. The looting of Native American graves at Slack Farm in Kentucky caused such an outcry that it provided the impetus for new state legislation in Kentucky and Indiana, and helped the passage through Congress of the Native American Graves Protection Act (NAGPRA). Many artefacts are now being purchased by European and perhaps Japanese collectors.

### **Threat to Cultural Sites in India from Illegal Excavations: Case Studies, Problems and Solutions**

AJAI SHANKAR (Archaeological Survey of India)

Illegal excavation for personal gain is one of the major causes of destruction of the cultural heritage. Many examples could be reported, such as the village of Katingra, Uttar Pradesh where moulded bricks and panels which contain inscriptions from the epic Ramayana are probably from a temple of the Gupta period. Stolen objects have often been recovered from individuals and institutions in the United States and Europe, such as an eighth-century sculpture of Buddha, which disappeared from Bihar

between 1987–89 and was recovered from the Metropolitan Museum of Art, New York in 1999. The Indian Government in 1972 passed the Antiquities and Art Treasures Act which provides for the compulsory registration of notified categories of antiquities, regulation of export and other protective measures. India is a signatory of the 1970 UNESCO Convention and encourages other nations which have not yet done so to ratify this Convention.

### **The Destruction of the Cultural Heritage of Thailand and Cambodia**

RACHANIE THOSARAT (Fine Arts Department, Thailand)

In Thailand the evidence of looting is patchy, but in some areas is severe. The continuing destruction of prehistoric sites is such that it is now perhaps impossible to investigate the Neolithic and Bronze Ages properly. In the Bangkok plain whole sites are sluiced for beads and other small items and virtually none remains intact. The Thai Fine Arts Department has realized the importance of involving local people in protection and has plans to create local museums in each province so that finds

might be kept locally instead of being 'lost' to the National Museum.

Historic sites in Thailand are better protected but they are being badly looted in Cambodia. Famous Angkor period temples such as Banteay Chmar and Angkor Borei are being systematically dismembered. Even at Angkor itself the Conservation compound was attacked in 1993 by 300 armed bandits. Looted material is normally shipped overland through Thailand to Bangkok.

### **Destruction, Looting and Traffic of Peru's Archaeological Patrimony**

WALTER ALVA (Museo Arqueológico Nacional Brüning de Lambayeque, Peru)

Since the 1960s a continuing pillage has supplied the national and international markets. A great number of collections formed in Peru between the 60s and the 80s, for 'patriotic reasons' have actually now disappeared — absorbed by the market. It is estimated that 90 per cent of all ancient Peruvian gold now known in collections around the world was looted from the single site of Batan-Grande. After the looting of Sipán an agreement was reached with the United States in 1997 restricting the import of Pre-Columbian and

ethnographic material from Peru. Producers and exporters of craft items often mix in archaeological pieces. Sometimes counterfeits are manufactured from archaeological material. Since the signing of the bilateral agreements with the United States the traffic now tends more to be directed towards north and central Europe. At Sipán a programme of protection initiated by the museum and carried through in collaboration with local police has reduced the numbers of looters in the area from something like 100 per site to a few individuals.

### **Altering Information from the Past: Illegal Excavations in Greece, the Case of the Cyclades**

MARISA MARTHARI (Ministry of Culture, Greece)

According to Greek law, an antiquity can only be legally exported for temporary display purposes. Illegal excavations concentrate on the Bronze Age cemeteries of southern Greece and the Iron Age cemeteries and sanctuaries of central and northern Greece. Antiquities often leave Greece in lorries, sometimes packed in watermelons, and travel to the major markets in Switzerland and Germany. The trade in antiquities and the trade in narcotics is evidently very close as the police often arrest people in possession of both. Fakes are also noticed amongst genuine pieces. The Aidonia treasure

— 81 objects looted from a Mycenaean chamber tomb cemetery sometime early in the 1970s — was recovered from a gallery in New York in 1996. The archaeology of the Cyclades is known mainly from its figurines, most of which were illegally excavated and some of which are fakes. The establishment of an archaeological museum on the island of Ios, presenting the archaeology of the island in its entirety, has shown the people of the island that there is more to archaeology than figurines and, perhaps, dealt a strong blow to antiquities theft.

### **The New Syrian Law on Antiquities**

AMMAR ABDULRAHMAN (Directorate General of Antiquities and Museums)

The Syrian Directorate General of Antiquities and Museums has had to deal with a number of cases of illicit excavation over the past few years. In the area of the so-called 'dead cities', of Byzantine date, south of Aleppo, digging is carried out by squatters. More worrying is when previously excavated and important sites are attacked, such as the third-millennium cemetery at Tell Halawa and the second-

millennium site of Meskenah-Emar. In response to this illegal activity the Syrian Government in 1999 passed a new law on the protection of antiquities. But no law can be fully effective without the cooperation of everyone involved. Thus education at schools and universities can help diminish illegal digging and international cooperation too is essential.



The first interim International Standing Committee on the Traffic in Illicit Antiquities shall be the following:

**DR GEORGE ABUNGU**

Director General, National Museums of Kenya  
(*Chairman*)

**DR WALTER ALVA**

Institute Nacional de Cultura, Museo  
Arqueologico Nacional Brüning de  
Lambayeque, Peru

**H.E. PROFESSOR SENAKE BANDARANAYAKE**

Ambassador of Sri Lanka to UNESCO, and  
Chair, International Committee on  
Archaeological Heritage Management of  
ICOMOS

**DR NEIL BRODIE**

McDonald Institute, Cambridge, UK  
(*Executive Secretary*)

**PROFESSOR RICK ELIA**

Boston University, USA

**PROFESSOR PATTY GERSTENBLITH**

De Paul University, USA: Editor, *International  
Journal of Cultural Property*

**MR HE SHUZHONG**

National Administration on Cultural Heritage,  
People's Republic of China

**PROFESSOR COLIN RENFREW**

McDonald Institute, Cambridge, UK  
(*Secretary*)

**DR RACHANIE THOSARAT**

Fine Arts Department, Thailand

The interim Committee shall have the power to co-opt. It was agreed that the interim Committee should also have some representation from the Mediterranean region.



*Press conference introducing the Interim International Standing Committee on the Traffic in Illicit Antiquities. Left to right: H. Shuzhong, R. Thosarat, G. Abungu, C. Renfrew, W. Alva, R. Elia & N. Brodie.*

### **International Standing Conference on the Traffic in Illicit Antiquities: the Cambridge Resolution**

We, the participants in the Symposium 'Illicit Antiquities: the Destruction of the World's Archaeological Heritage' held at the McDonald Institute, Cambridge from 22 to 25 October 1999, hereby resolve that there be instituted an International Standing Conference on the Traffic in Illicit Antiquities (ISCOTIA), whose members shall be the heritage and antiquities directorates of national governments, national and international governmental and non-governmental organizations concerned with the protection of the world's cultural heritage, universities and research institutes in the fields of archaeology and conservation, and national and international learned societies and professional bodies concerned with the protection of the world's cultural heritage. We hereby appoint an interim International Standing Committee on the Traffic in Illicit Antiquities with the objectives of (a) organizing the first meeting of the Standing Conference, and (b) promoting the aims of the Standing Conference.

Among the aims and objectives of the International Standing Conference on the Traffic in Illicit Antiquities shall be to:

- (i) seek the protection of archaeological and historical sites, monuments and landscapes from destruction or damage through public works, commercial developments or unauthorized excavation by looters and others;
- (ii) promote the understanding by local communities of their own cultural heritage through education, the development of local museums and site museums, and the organization of an effective antiquities service in every nation;
- (iii) institute effective national legislation for the protection of the cultural heritage and the support of international agreements, including specifically the ratification by every nation of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects;
- (iv) make widely understood that the principal

significance of cultural objects and artefacts resides in the information which they provide about the human past, that this information comes principally from their context of discovery as documented by systematic excavation and careful publication, and that such information is irretrievably lost when objects are separated from their context of discovery without full documentation;

- (v) seek agreement among museums and private collectors that the appearance on the market of antiquities without provenance is likely to be the result of looting (i.e. clandestine excavation and illegal export) and that it is consequently inappropriate to purchase antiquities without documented provenance (unless these can incontrovertibly be shown to have been known prior to 1970);
- (vi) persuade collectors (and museums) that the ownership (and display) by them of unprovenanced antiquities should be seen as shameful and offensive to those concerned for the world's cultural heritage, and that far from according protection to the heritage by curating such antiquities their cash and encouragement promotes the looting process;
- (vii) persuade conservators, scientists and scholars that it is inappropriate to undertake conservation work, authentication or scholarly research in connection with unprovenanced antiquities on the grounds that such work ultimately facilitates the marketing of antiquities and hence contributes to the cycle of looting and destruction;
- (viii) persuade the tax regimes of national governments that tax benefits should not be accorded to those collectors who donate or bequeath unprovenanced antiquities to museums and other charitable organizations, and to persuade museums that they should not accept donations or bequests of unprovenanced antiquities;
- (ix) encourage national governments to protest formally when unprovenanced antiquities originating within their borders are publicly offered for sale in other countries
- (x) engage the media of communication to promote effectively these aim and objectives and to expose the 'prestige culture' still surrounding certain museums and wealthy private individuals who continue conspicuously to collect unprovenanced antiquities.



## Stealing history

JENNY DOOLE

It has long been recognized by those fighting the illicit trade in antiquities that public education is key. Indeed, one of the aims of the IARC is to raise public awareness of the scale and consequences of looting.

This point was emphasized by Manus Brinkman, Secretary General of ICOM (the International Council of Museums) in his keynote speech to the Museums Association Conference 1998. Commenting that he did not know of many educational programmes in schools, or museums that deal with illicit antiquities issues, he said it would be helpful if UK museums ran such communication initiatives.

Museums in badly looted countries are increasingly doing just that. There are examples of imaginative educational campaigns explaining the damage caused by archaeological destruction — and the value of archaeology — in countries like Mali, Peru, Jordan, Italy, Mexico. But there has been very little equivalent coverage in market countries.

To try and redress this balance, the IARC, with the help of the A.G. Leventis Foundation has produced a portable display, called *Stealing History*. It is available on loan, free of charge to museums, libraries and suitable institutions in the United Kingdom.

Under the headings 'Illicit Antiquities', 'Why Archaeology?', 'Why Loot?', and 'The Way Forward' the exhibit explains the basic issues: why the general public should be concerned about archaeological looting, the benefits of archaeology as opposed to looting, and possible ways forward. The display also highlights famous



*Stealing History: a portable display.*

case studies from around the world, including the Salisbury Hoard and the Icklingham Bronzes, the palace of Sennacherib, the Weary Herakles, Sipán, the Kanakariá mosaic, Cambodia, Mali and Kabul Museum.

If you would be interested in more information about *Stealing History*, please contact:

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## Conference report

CHRIS SCARRE

### European Association of Archaeologists: Bournemouth, 14–19 September 1999

The illicit trade in antiquities was the subject of a session in this year's conference of the European Association of Archaeologists, held at Bournemouth from 14–19 September. Several aspects of the problem were presented in a series of papers which once again sought to convey the scale of the damage which is being caused, and argue the case for more effective action.

The session began with papers by **Kathy Tubb** of the Institute of Archaeology, London, and **Paula Kay Lazrus** of Boston University, who pointed out the need for education to drive home the message to local communities that it was not only archaeologists, but they themselves who were losing knowledge of their past through the widespread destruction of local sites. It was at this level — by recruiting the support of local people — that protection on the ground was likely to be successful.

A fuller picture of the trade is beginning to appear from detailed studies of antiquities sales. This was illustrated by the paper given by **Vinnie Nørskov** from the University of Aarhus in Denmark, who summarized the results of five years' research on Greek vases appearing in saleroom catalogues. She approached the question from two angles: the vases which are being presented for sale by the major auction houses from 1953 to 1998, and the acquisitions of material by museums over the same period. Her results show clearly how museum acquisition policies have changed over the five decades in question. A more disturbing statistic is the very small number of vases offered for sale which have any kind of archaeological provenance.

The lack of provenances is symptomatic

of the secrecy in which the antiquities trade is enveloped, and in another paper **Neil Brodie** asked why it was that antiquities dealers were so unwilling to be more open about the sources from which they obtained their material. The very secrecy of the trade has made it vulnerable to thieves who wish to pass off stolen antiquities, and to organized crime, where antiquities are coming to be employed as collateral in money-laundering schemes. Given these developments, it is hard to understand why dealers find it so difficult to accept the need for greater transparency, especially as most of them openly declare that they do not deal in illegally-acquired material; they should therefore have nothing to hide.

A leading issue to emerge from the Bournemouth session was the continuing unwillingness of Britain and several other European governments to subscribe to the 1970 UNESCO and 1995 Unidroit conventions. **Tim Schadla-Hall** of the Institute of Archaeology, London, made the point forcefully that despite abundant evidence of widespread illicit trade in the UK there is little sign of the Government taking a clear line on reform or on tackling the problem.

This issue was the subject of a resolution which was adopted in the Annual Business Meeting at the close of the conference. The European Association of Archaeologists agreed that further action was needed to stem the flow of illegally acquired or illegally exported antiquities, and accepted that all European governments should sign and ratify the UNESCO and Unidroit conventions as a matter of urgency. The EAA President, Willem Willems, has undertaken to write to all European governments enquiring about their policy on these conventions. The replies will be brought to the next meeting of the EAA at Lisbon in 2000, where the next stage of action will be discussed.

The final paper in the Illicit Antiquities session at Bournemouth was given by **Roger Bland**, who is currently on secondment from the British Museum to the Department for Culture, Media and Sport. He noted that the



legal protection afforded to portable antiquities in England and Wales is both more limited in scope and more liberal in its treatment of finders than in virtually any other country in Europe. The wide toleration of metal detecting in Britain has posed particular problems, and the recent Portable Antiquities Recording Scheme has taken only the very moderate step of encouraging finders to register their finds. Dr Bland reviewed the results of the first year pilot project of registration and outlined some of the additional information which had been made available in this way. A similarly upbeat appraisal of the Portable Antiquities scheme had been given to the conference the previous day by the Rt Hon **Alan Howarth** MP,

Minister in the Department of Culture, Media and Sport. For many archaeologists, however, the chief result of the new provisions is likely to be a depressing demonstration of how rapidly and in what numbers portable antiquities in Britain are being ripped from their archaeological contexts. In the absence of political will and of a unified response from archaeologists, museum curators and others, this is a problem which appears unlikely to find any imminent solution.

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*Front cover. Warehouse of allegedly smuggled antiquities sealed by Swiss police at Geneva Freeport.*

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ISSN 1464-1925

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Correspondence relating to all aspects of the legal and illegal trade in antiquities is welcome; we will make an effort to print reasonable, non-libellous letters. No unsigned letters will be printed, but names will be withheld upon request.



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Printed by BluePrint, 6 Clifton Road, Cambridge CB1 7WG. Tel: +44 (0)1223 472400





# Culture Without Context



The Newsletter of the Illicit Antiquities Research Centre

Issue 6, Spring 2000

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The Illicit Antiquities Research Centre is a project of the McDonald Institute for Archaeological Research

## Illicit Antiquities Research Centre

The Illicit Antiquities Research Centre (IARC) was established in May 1996, under the auspices of the McDonald Institute for Archaeological Research in Cambridge, England, and it commenced operations in October 1997. Its purpose is to monitor and report upon the damage caused to cultural heritage by the international trade in illicit antiquities (i.e. antiquities which have been stolen or clandestinely excavated and illegally exported). The enormous increase in the volume of this trade over the past twenty years has caused the large-scale plundering of archaeological sites and museums around the world. The IARC will raise public awareness of the problems caused by this trade and seek appropriate national and international legislation, codes of conduct and other conventions to place restraint upon it.

*Culture Without Context* is published twice yearly. The next issue will appear in autumn 2000. Subscription details are available from:

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## Editorial

**C***Crime Squad* is a BBC1 television programme which goes out in an early evening peak viewing slot. The 'squad' consists of several experts drawn from the police, legal professions and academia and each programme focuses on a particular aspect of British life and attempts to expose criminal goings-on. On 21 February 2000 it was the turn of art and antiques, and the programme included a piece on the antiquities trade.

*Crime Squad* that night showed the damage caused by Italian *tomboroli* to an Etruscan cemetery, together with an interview with a *tomborolo* who intimated that London was the largest market for their looted material. Back in London there was an interview with James Ede of IADAA and Colin Renfrew, Director of the McDonald Institute for Archaeological Research. What wasn't revealed on the programme was that one month earlier, on 20 January, a *Crime Squad* team had secretly filmed three central London antiquities dealers, asking them about the provenance of pieces offered for sale. Secret filming is a usual tactic of the programme, and indeed some were screened on the night of 21 February, but not the antiquities dealers. Why not? Clearly, in general, the BBC are not averse to using such methods as on their evening news programme of 28 February hidden cameras were in action filming the showroom of a Bangkok antiquities dealer.

It seems that the BBC Head of Current Affairs, Ms Helen Boaden, had ordered the *Crime Squad* films to be cut under threat of legal action from the dealers involved. This seems to imply that there were observations or opinions expressed on film that they would not like to see generally broadcast. We are used to dealers keeping secret details of provenance. Now, it seems, they also want to keep secret the reasons they give to customers for keeping secret the details of provenance. When approached, Ms Boaden defended her decision by saying that the material was not incriminating and that there was no evidence of disreputable activity.

There are two issues here. One is of immediate interest: what was said on camera? The transcripts of the films should be released imme-

diately into the public domain. Ms Boaden might think the contents were not incriminating, but the Italian *Carabinieri* might take a different view, particularly as one dealer apparently admitted to selling antiquities that had still been in Italy two years ago. The second issue, though, is of more general concern. The BBC is a publicly funded broadcasting service, and should be accountable to that public. If it is going to continue to use hidden cameras the public have a right to know under what circumstances, and who decides what is screened. Is the Head of Current Affairs to act as judge and jury? Surely not. Episodes such as this undermine public confidence in the BBC — who knows what other secret films have been dropped under pressure from powerful vested interests, and who now can trust the BBC?

Professor David Wilson, who took part in the programme, describes his own impressions of the antiquities trade on page 5.



Italy's request for the United States to impose import restrictions on a wide range of archaeological material has brought into question the role played by Italy's antiquities laws in encouraging the illicit trade. The argument has been developed, most recently for instance on the front page of December 1999's *Art Newspaper*, that Italy's strict antiquities legislation is partly responsible for the criminalization of the trade and the looting of archaeological sites, and that the archaeology of Italy would be better served by a more lenient legislation on the British model, which allows the private ownership and export of antiquities but which also encourages finders to sell material to museums. This is a complicated — some might say confused — argument, however, and none of its component parts stand up to close scrutiny.

First is the claim that Italy's legislation encourages looting and the illicit trade. Certainly, breaking Italian laws must constitute a criminal act, and thus the illegal movement (smuggling) of antiquities out of Italy is a criminal activity. If the laws were relaxed the trade would become legal, that much is clear, but would such a change in Italy's laws ameliorate the looting? Experience in other countries, the United States for instance, suggests not. The presumption that an increased availability of licit antiquities would diminish loot-



ing presupposes an inelastic demand, but in reality demand can easily be stretched and the market is supply-led. If antiquities trading was decriminalized in Italy the chances are that the market would explode.

It is, in any case, difficult to sustain the argument that Italy's export control is, in practice, unusually draconian. The development of the European single market has caused a dismantling of border controls so that export restrictions within Europe are difficult to police, and antiquities can move around quite freely. This was rectified for cultural material (including antiquities) when in 1993 a unified system of export control was put in place around the European Union, so that antiquities from Italy for instance, exported from another member state, require a licence to be issued in the country of export. In effect, export control was shifted from Italy to the United Kingdom — a major exporter of Italian antiquities. Yet unprovenanced Italian antiquities are exported willy-nilly from the United Kingdom with no checks made on their origin or the legality of their first acquisition. Thus rather than blame the looting on Italy's strict export control, it might be more honest to blame it instead upon the British, and ask what is being done by Her Majesty's Government to exert a level of control over looted Italian antiquities that its EU partner has a right to expect.

The British side of the argument similarly fails to convince. In the United Kingdom any major archaeological site of the kind being looted in Italy would be scheduled. That is to say it would be protected by law and unauthorized excavation would constitute a criminal offence — a situation not dissimilar to that which prevails in Italy. In the United Kingdom there are currently over 13,000 Scheduled Ancient Monuments. Antiquities allowed into private ownership in Britain are generally found out of context and, by and large, would not excite a collector to the same degree as an Etruscan bronze or an Apulian vase.

As already suggested, it is certainly the case that British export regulations are more lenient

than Italy's, so that antiquities can, quite legally, be exported, but it does not follow that British archaeology benefits. There has been no systematic study of archaeological destruction in Britain, perhaps because it has not in the past been perceived as a problem. Half an hour spent scanning internet auction sales suggests otherwise. It is anybody's guess what the true scale of the looting is. Until reliable data are available it is simply disingenuous to claim that the British system discourages looting.

Thus there are no clear contrasts to be drawn between the British and Italian legislations. When it comes to the protection of archaeological sites the British system is little different to the Italian. Italian export legislation is not as effective as it could be as it is undermined by the more *laissez-faire* British, and it is not certain to what extent British rules deter looting — if at all. They certainly do nothing to stop the looting in Italy. And the fundamental point remains that the Italian archaeological heritage is far richer than the British, and so much more difficult to conserve. So let us hear no more about Italy's antiquities laws and concentrate instead on the real problem — the marketing of Italy's past in Switzerland, the United Kingdom and the United States.



In Britain, the Culture, Media and Sport Committee on cultural property has been hearing evidence about the illicit trade from representatives of museums, the trade, archaeological organizations and the police. It is set to publish its report in July. Then on 12 April Mr Alan Howarth, the Minister for Arts, announced that H.M. Government is to hold a separate enquiry into the illicit trade, with the participation of expert advisers drawn from outside the interested Government departments, and will look again at the UNESCO and Unidroit Conventions. The Government also hopes to decide what action needs to be taken sometime during the autumn.

NEIL BRODIE



# Undercover in antiquities

DAVID WILSON

Going undercover as a researcher, in this case as a reporter for the BBC1 series *Crime Squad* is not something to be done lightly. All kinds of ethical issues have to be considered, because in the end covert research involves a form of deceit. Nonetheless as Nigel Fielding (1993, 158) observes, covert research can sometimes be justified 'on the basis that some groups, especially powerful élites would otherwise be closed to research'.

One such powerful élite includes antiquities dealers, and we can see aspects of that power in the culture which surrounds their business. For example they choose to advertise a variety of impressive sounding academic and professional qualifications and, in common with most powerful élites, they are remarkably secretive. This secrecy is most apparent in relation to how they come to be in possession of the articles which they seek to sell. The ubiquitous 'The property of a Gentleman' — clearly an allusion to the culture described earlier — might re-assure some of the provenance of a particular item, but would you accept that this was all that you needed to know if you were buying a second-hand car? Context as they say is everything.

## What is crime?

As a criminologist I have always been fascinated by the way that some activities come to be described as legal, and others — which might do similar damage — remain legitimate. Look at drugs for instance. Smoking cannabis is quite clearly illegal, despite recent attempts to decriminalize it, whilst alcohol remains legal and drinking one of the favourite pastimes of the British. Both do damage, but we choose to see one activity as criminal and the other as acceptable. Some of the reasons behind this double-standard are historic (and beyond the scope of this short article) but what is of interest is how powerful lobbies maintain an actual campaign to ensure that drinking is seen as culturally desirable, and how the government colludes in this process by raising revenue from the sale of alco-

hol. For the 'we' in the phrase 'we choose' rarely includes you and me, but rather refers to judges, magistrates, politicians, barristers and lawyers who often have very little in common with the man or woman 'in the street'.

Thus 'crime' becomes a label rather than something tangible, and a label that can be applied to an activity by those who have the power to assign that label. Politicians and judges have that power, whereas you and I do not. Indeed in one sense we could abolish 'crime' tomorrow simply by removing that label from those activities which have been labelled as such. And, if you think about it, some lobbies will fight to prevent the label 'crime' or 'criminal' being applied to what they do now and in the future.

## Antiquities and 'crime'

I've spent some time discussing the issue of 'what is crime' and 'label' as it is clear that the context and culture in which an activity takes place determines what label will be applied to that activity. The legitimate business of selling second-hand motors is culturally seen as 'dodgy' and suspect, and is perceived to be dominated by 'Del-boys'. On the other hand, art and antiquities is perceived in a totally different way, and Heaven forbid if anyone should challenge that perception.

That's what I did — or at least tried to do — for *Crime Squad*. Going undercover, and posing as a naïve buyer of Etruscan antiquities I was able to see, first-hand, antiquities dealers tout their wares. Asking if they could 'guarantee authenticity' routinely the salesmen — they were all men — would show me guarantee after guarantee, and trade on their 'international' reputations. On the other hand, if I asked where the article actually came from they would become misty-eyed, mentioning 'The Grand Tour', and talk in the most general, unacademic ways. Why should this be so? What should I infer from the obvious evasions of answering a simple question? If I was buying a car I would demand a log book, but seemingly in the antiquities trade all I had was someone's 'word as a gentleman'.

Now all of this wouldn't be so bad if we didn't know that Etruscan tombs have been widely looted, and that the *carabinieri's* art squad are almost daily trying to draw attention to the international trade in stolen antiquities. 'London'



— as I was informed by a *tomborolo* — ‘is central to that trade’, and he then went on to name a number of dealers off the record. Indeed a 1997 Channel 4 documentary drew attention to the fact that many unprovenanced antiquities subsequently found their way into the auction rooms of Sotheby’s (Watson 1999, 4). *Crime Squad* wanted to bring that picture more up to date, but ultimately was frustrated in doing so in the way that it would have wanted to by a series of issues — one of which related to the power of the antiquities trade to fend off criticism. For me as a ‘punter’ this is an illustration of their power, and as a criminologist simply another example of how

the label ‘crime’ comes to be applied or not applied as the case may be.

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## In the News

JENNY DOOLE

### Steinhardt phiale and other returns

- On 11 February US Customs Commissioner Raymond Kelly officially **returned the Steinhardt phiale to the Italian government**. The phiale has been the subject of long legal battles in the US, but its return was made possible by the US Supreme Court’s refusal in January to hear an appeal against earlier court rulings (see: ‘In The News’ *CWC* issues 2 & 5). It will now be exhibited briefly in Rome, before being put on permanent display in a museum in Sicily.
- FEBRUARY: US Customs officials in Dallas **returned to Italy human bones** believed to have been excavated from Palaeolithic sites in Savona and Imperia by Frederick Hosmer Zambelli. The ‘**Zambelli Collection**’ was offered for sale on an **Internet site based in Texas** by a Dallas archaeologist. After a year-long investigation, following a request from the Italian Public Prosecutor’s Office, the Department of Justice and US Customs Service traced sales to private collectors in Texas, Oklahoma and North Carolina and the artefacts were seized.
- **267 artefacts** looted from the region of Puglia were **returned by France to Italy** in December last year. The objects, including vases, amphorae, platters and terracottas, were seized by French customs agents from an Italian crossing the border from **Luxembourg** to France in 1981. By 1994, Italian police and Interpol had tracked the hoard to a storeroom in the **Louvre**, and after years of wrangling the items have finally been repatriated.
- A marble **head of Nefertari**, wife of Ramses II, was **returned to Egypt** in January. It was amongst pieces brought to Britain by convicted smuggler **Jonathan Tokeley-Parry** (see: ‘In The News’ *CWC* issues 1 & 4). The buyer, who has not been identified, initially refused to return it on the grounds that it was a fake. Examination by the British Museum proved that the sculpture was genuine, although it had been **damaged and disguised** to look like a tourist souvenir by using stone dust drilled from the core of the sculpture to make a new face. The original face may still remain under the fake application. One further piece from the Tokeley-Parry hoard — a head of Pharaoh Amenhotep III, undamaged and unaltered — is still the subject of legal negotiations.





## Strong antiquities sales

*Following the success of the antiquities sales in New York in December 1999, The Art Newspaper (January) reports that the city has emerged as probably the most important centre for the antiquities trade. A survey of dealers, auction house specialists and museum curators revealed:*

- a steady increase in the number of clients spending more than \$50,000 per year;
- that most collectors are professionals — physicians, attorneys, Wall Street traders or technology entrepreneurs;
- the emergence of new collectors from Canada, Switzerland, Belgium, Latin America;
- that the stock market is driving the trade: the antiquities market is perceived as undervalued;
- that museum initiatives and exhibitions help drive the market;
- that the illicit trade is considered a ‘dying dinosaur issue’ (Frederick Schultz) although concerns over authenticity may explain relatively low prices;
- that interior designers are making increasing use of antiquities.

Meanwhile in *Minerva* magazine (Mar/Apr 2000), Jerome Eisenberg, commenting on the substantial increase in antiquities sales over the last five years, suggested that ‘the many diatribes against the antiquities trade’ by archaeologists attempting to raise public awareness of looting may in fact have **encouraged new collectors** to begin purchasing antiquities. He noted that while there seems to be plenty of material on the market, one of the biggest problems for auction houses is the scarcity of single-owner sales.

## Cambodian update

- **122 pieces** of stolen bas-relief and sculpture have been **returned to Cambodia** from Thailand. They include 117 fragments from the Khmer temple of **Banteay Chmar** (see: ‘In The News’ CWC issues 4 & 5), and 5 from a July 1999 raid on galleries in the **River City antiques mall, Bangkok**.

The items have already been exhibited at Thailand’s National Museum in Bangkok and will now go on display for two months at the National Museum in Phnom Penh as part of Cambodia’s campaign to raise public awareness about looting.

- Cambodian officials say a **formal agreement with Thailand** on co-operation to halt cross-border smuggling is being worked on.
- Emergency restrictions imposed by the US Government on the import of a range of Cambodian sculpture has, according to Rena Mouloupoulos, the worldwide compliance director for Sotheby’s, led to a ‘marked increase in questions from collectors and dealers concerning these sculptures’.



## Looting and China

- In January, He Shuzhong, a Chinese legal expert and international treaty negotiator for China’s State Cultural Relics Bureau, **launched a WWW site** (see illustration on p. 8) to publicize the scale of and damage caused by looting in China. The English language site (which receives support from [www.museum-security.org](http://www.museum-security.org)) can be found at <http://www.culturalheritagewatch.com>.
- The Chinese State Bureau of Cultural Relics is reported to have sent thirty representatives on a month-long visit to heritage sites in Henan, Hebei, Shanxi and Shaanxi to **increase public awareness** of the problems of heritage protection and preservation.







陵的六十一王真。谁知此我忍？  
Lone Works in Qian Tomb. Who is the ruffian?

- A tenth-century **Chinese marble wall panel**, offered for sale at **Christie's New York** in the 21 March auction (sale estimate \$400,000 to \$500,000), has been impounded by US authorities. The lawsuit identifies the piece as one of the carved relief wall sculptures stolen from the **tomb of Wang Chuhzi**, in Hebei Province which was looted in 1994. During the raid ten panels were ripped from the walls of the tomb, which was excavated by archaeologists the following year when two more painted marble reliefs were removed. *The Art Newspaper* (May) suggests that it is extraordinary that Christie's stated in their sale catalogue that the carving appeared to be very closely related to the panels from that very tomb, yet **did not check with Chinese authorities** whether it *was* one of the looted pieces. Christie's is co-operating fully with US Customs investigations, and the consigner **M & C Gallery, in Hong Kong**, may appeal if they choose.
- A large **stone head of Bodhisattva**, in the controversial collection of the **Miho Museum**, Japan (see: 'In The News' *CWC* issue 2), has been identified as **stolen from Box-ing County, China**. Cultural Heritage Watch claimed that a picture of the sculpture had been published in an archaeological report in *Wenwu* magazine in 1983. The Miho Museum's Swiss-based lawyer, Mario Roberty, said that the discovery was a shock to his museum clients since they had **exercised 'careful due diligence'** by checking that it did not appear on any available data base. It had been acquired from **Eskenazi**

**Oriental Art, London**, in 1996 who had acquired it in good faith from **another London art dealer**. Roberty added that, although under no legal obligation (Japan has not ratified the UNESCO or Unidroit conventions) the Miho Museum would **arrange for sculpture to be repatriated**.

- **FEBRUARY: Three men were executed** for stealing **15 Tang Dynasty murals** from a museum in **Liquan, Shaanxi province**, between 1992 and 1994. Three accomplices (including the wife of one), who gave them keys to the museums were given lesser sentences. The murals, from the tomb of Wei Guifei, an emperor's concubine, were sold on in **Guangzhou** near Hong Kong and two have since been recovered.
- 54 boxes containing **more than 100 ancient porcelain artefacts** were impounded from a boat at **Tianjin**. A Korean man, who was setting sail for Korea with the pieces was arrested.
- Four suspects were reportedly arrested in **Liaoning Province** trying to sell a pair of **bronzes** to undercover policemen for about US\$100,000. Other Eastern Zhou period bronzes were found in the suspects' homes.
- Farmers are reported to have pulled down the 2<sup>nd</sup> to 9<sup>th</sup> storeys of a **13-metre-tall pagoda** in Shanxi Province in an attempt to steal the **Ming dynasty walls and Buddhist statues**.



## Crucial context

After eight years scholars have restored and partly deciphered a very rare example of **Etruscan writing** on a bronze tablet, but need to know the tablet's true provenance and context in order to understand it fully. Known as the ***Tabula Cortonensis***, it was found in 1992 by carpenter Giovanni Ghiottini, allegedly on a building site at **Cortona**, on the Umbrian-Tuscan border. But police believe Ghiottini may not have found it where he claims, and that he



may have tried to sell it. If the object's true history were known, scholars might even be able to locate a **crucial, but mysteriously missing piece** of the tablet.

## Illicit antiquities in India

In January, Directorate of Revenue Intelligence agents seized illicit antiquities from a **Singapore-bound** container ship at **Chennai docks**. Documents showed the shipment should consist of 600 bags of rice. In fact, there were only 50, and the rest of the cargo was contraband including the antiquities, deer horn antlers and sandalwood. Three people have been arrested, one being the manager of a Chennai-based export company.

## Protection and destruction of Afghanistan's cultural heritage

- A museum, partially funded by the Swiss government and backed by UNESCO, has been established in **Bubendorf, Switzerland** to care for cultural **material looted from Afghanistan**. Its curator, Paul Bucherer-Dietschi, says that the project has the full backing of the Taliban and Northern Alliance governments in Afghanistan. Some archaeological material, including the **Airekhaunum bronzes** has already been sent by sources in the Northern Alliance and some 3000 other pieces are expected to arrive from north and south Afghanistan, Pakistan and Europe, when the museum building is ready. Private collectors and government officials have promised artefacts. The museum is seen as a **temporary safe house** for the collection; when the situation permits, a joint agreement between the Afghan and Swiss authorities will return the objects to Afghanistan.
- *The Art Newspaper* (June) reports eye-witness damage to archaeological sites in Afghanistan, including:
  - the destruction of the Ghandharan site of

**Tepe Shutur** and the **museum in Hadd** in the late 1980s with objects being sold to Pakistani dealers;

- aerial bombing and then looting of the early Sasanid stupa and monastic complex at **Guldara**;
- the systematic stripping of **Ai Khanum**, the famous site excavated by French archaeologists, again for sale in Pakistan.

Two systems of looting are highlighted: **bottom up**, where locals sell finds to syndicates of middlemen, who sell on to dealers; or **top down**, where collectors put in requests to the dealers, who notify syndicates, who then brief locals about demand for specific objects. The middlemen apparently have research libraries and sometimes 'hire' sites from landowners. There is also evidence that objects stolen from sites in the North are increasingly being **smuggled through Tashkent and Uzbekistan** to Afghan contacts in Russia, and the Russian mafia.

## Stolen coin alert

The British Numismatic Trade Association in Britain has warned that an **undeclared British hoard** of third-century AD Roman coins has surfaced on the market in **London and New York**. It is thought to consist of between 6000 and 16,000 coins and include rare examples from the reign of Laelian (AD 268). Although a Continental provenance may have been invented, the *Antiques Trade Gazette* (11 Mar. 2000) has pointed out that dealing in these pieces would still constitute an offence under the **Treasure Act** and, if they were illegally removed from private land, under the **Theft Act**.

## Ethical dilemma

The archaeological community has been divided over **Professor Karen Vitelli's** decision to accept money from the **White-Levy archaeological publications foundation** and then criticize her funders for collecting



antiquities. Vitelli received a \$40,000 grant from the foundation, which serves the admirable purpose of enabling archaeologists to publish 'dead digs'. In the introduction to her volume on the Franchthi cave she thanked Leon Levy and Shelby White, who are prominent collectors, but also encouraged them to see the damage caused by collecting undocumented antiquities.

## Archaeologists vs looters

*More evidence from around the world of the race between archaeologists and looters:*

- A **Roman villa** has been discovered near **Boscorease, Campania** following illegal digging there. Among artefacts confiscated from the looters were a carved marble altar, a bronze candelabra, glass vases and a seal which apparently bears the name of the villa's owner.
- The Iraqi Museum has rushed excavation teams to three little-known **Sumerian sites in southern Iraq** following reports of looting. By February the archaeologists had recovered more than **5000 artefacts**, including rare cylinder seals and inscribed cuneiform tablets, which will help reconstruct another page of Mesopotamian history. Looters are believed to have **intensified their activities** in southern Iraq, despite heavy penalties.

## Some statistics

- It is estimated that Italian archaeologists have excavated 80 tombs in the area of the ancient town of Crustumerium since 1987, while *tombaroli* have looted more than 1000.
- During 1999 the Italian *carabinieri* recovered 27,000 archaeological pieces, more than twice as many as in 1998.

## Red alert on West African antiquities

**ICOM** (International Council of Museums), with support from the Prince Claus Fund for Culture and Development and the French Ministry for Foreign Affairs, has published a dossier of information about **eight categories of African archaeological objects under particularly serious threat** from looting today. This **Red List** should prove useful for museums, art dealers, and police and customs officials and will be widely distributed as part of a campaign to raise awareness of African archaeological heritage. More information is available at <http://www.icom.org/redlist/>

## Controversial new gallery at Louvre

**The Louvre** has been criticized by ICOM and archaeologists for opening a new £18 million extension to display art from Africa, Asia, Oceania and the Americas on the grounds that some of the exhibits **could have been looted**. Highlights in the new gallery include two newly-purchased **Nok terracottas**, whose export from Nigeria has been illegal since 1943.

## International initiatives

In January **ICOM** signed a memorandum of understanding with the **World Customs Organization** (WCO) to co-operate in the fight against the illicit traffic in cultural property. A further agreement was signed with **INTERPOL** in April. These agreements will **strengthen co-operation** between the three organizations both officially and in practical terms, and **joint projects** should soon be underway, including preparation of tools for raising awareness, setting up training programmes for customs officers, and distribution to customs and police officials of ICOM information on illicit traffic.



## Peruvian replicas

The National Institute of Culture, Peru is to **sell reproductions** of ancient Peruvian artefacts at **Lima airport** in an attempt to stem the flow of illicit antiquities via tourists.

## Commons hearings

The UK government **Select Committee on Culture** has begun its investigation into '**Cultural Property: Return and Illicit Trade**', and has already heard evidence on behalf of archaeologists, dealers, and the police. The Committee is expected to report its findings in July.

## Mufti released

MAY: **Sheikh Taj E-Din Hilaly**, leader of Australia's Muslim community, has returned **home from Egypt**. In January the Mufti was sentenced by an Egyptian court to one year's hard labour for **allegedly conspiring with a smuggling ring** responsible for illegal digs and murder (see: 'In The News' CWC issues 4 & 5). A subsequent appeal found the **judgment invalid**, and on his return to Australia the Mufti announced that he was confident he would be cleared by **further court hearings** in October.

## Spanish thefts

Police in **Madrid** have arrested a museum worker following a tip off that he intended to **sell stolen material** on the black market. The warehouse supervisor from the Archaeology Museum of Catalonia allegedly **stole 4000 items**, including Phoenician coins and Etruscan vases, while he was responsible for overseeing the museum's store during the 1990s.

## Corinth arrests

JANUARY: Greek police announced the **arrest of two Greek men** — Anastasios Karaholios and Iannis Loris — in connection with the 1990 robbery from Corinth Archaeological Museum during which 271 antiquities and money were stolen (see: 'In The News' CWC issue 5). Guns, drugs and other antiquities were found in Karaholios' home. His father and brother are also being sought and are believed to be in South America. Most of the antiquities from the Corinth raid were discovered in Miami, apparently with the help of one Christos Mavrikis, who had been in prison for carrying out illegal wire tapings for Konstantinos Mitsotakis, Prime Minister of Greece in the early 1990s (who had himself built up an enormous collection of mainly Minoan artefacts which he bought from peasants and on the antiquities market, and has since donated to the Greek State). Six other items from the Corinth robbery, five of which were offered through Christie's New York and sold to two collectors, have now been recovered.

## Illicit antiquities in Israel

*An increasing number of stories of illicit antiquities from Israel follow archaeologists' warnings of a marked rise in thefts from archaeological sites to feed demand for Millennium souvenirs (see: 'In The News' CWC issue 5):*

- **Two men** were each **sentenced to one year in jail** for damaging the Second Temple period site of **Raboa** searching for coins and antiquities. They were caught red-handed with a metal detector, knives and digging equipment. Head of the Antiquities Authority, Armin Ganor, said the sentence may help deter another **six gangs of looters** believed to be operating in the Judean hills.
- MARCH: following a four-year investigation by the Prevention of Theft of Antiquities unit,



a rare **Roman sculpture** was confiscated from a dealer's shop on the Via Dolorosa, Jerusalem, where it was on sale for \$2000. The bust, unusually carved from basalt, was **stolen from a tomb** in a declared but unexcavated ancient site in Northern Israel and probably depicts the woman buried therein.

Importantly, the case has provided the proof for methods used to launder illicit antiquities in Israel. As has long been suspected, **merchants are recording stolen and freshly dug-up antiquities as imports or purchases from other collectors**, which allows them to be put on the market and sold. In this case, the bust was dug up by a local in the Golan Heights, then sold to middlemen, and then to an Israeli dealer who forged documents to indicate that he had imported it from Venezuela. It was then sold to the final dealer in the chain, who is not under suspicion, but the Antiquities Authority have insisted that the others will be tried, and hope that the case will lead to better supervision and control of the licensing of antiquities dealers.

- In March an unemployed artist from Jerusalem was arrested for **allegedly stealing three antiquities** from three separate areas of the **Israel Museum** at different times. They were a jug from Tel Arad, a stela from Hazor and a chalice from Ein Hatzeva. He admitted to stealing other pieces including Roman coins, glass vases, Roman lattices and oil lamps from various archaeological sites. Authorities admitted that he was not a typical antiquities robber since he wanted the pieces in his home, rather than to sell.
- Meanwhile, in January, Zahi Zweig, a third-year **archaeology student** who had brought attention to the dumping of archaeological material during building works, was charged with stealing antiquities and causing damage to archaeological sites. Objects from a number of sites were found in his home, and have now been returned. The Antiquities

Authority stated that they **do not want archaeologists to think that they have immunity** or alibis for taking antiquities.

## Turkey to US smuggling

In February, **Joel Malter, a gallery owner from Encino, California** pleaded guilty to **conspiracy to transport 133 artefacts** stolen from ancient tombs in **Turkey**. He faces up to five years in prison and a \$250,000 fine. The wide variety of objects dated from the ninth century BC to twelfth century AD and were worth only \$5000 on the US market. They were recovered in **Oklahoma City** after a complicated chain of events, involving Malter taking possession of the smuggled antiquities when they reached the US, then giving them to a friend after a dispute with a contact in Turkey, then buying them back from federal authorities. **Five people in Turkey have also been convicted** in connection with the case; one worked at the **Incirlik Air Base**, and was considered the main player, another was a **major in the reserve US Air Force**. During the course of the investigations it was established that Malter had dealt in illicit antiquities before.

## Lebanese file

Frederick Husseini, the new **head of the Directorate-General of Antiquities** in Lebanon says he has submitted a file on **alleged looting of antiquities by Israelis** during the war years, demanding that stolen antiquities be returned.

## Sevso Treasure developments

Art smuggler, **Michel van Rijn**, has claimed that he worked with **Scotland Yard** to help set up a failed sting which was to lead the Yard, Swiss police and the Hungarian government



to the missing pieces of the **Sevso Treasure**, via a **Zurich dealer, Anton Tkalec**.

The *Sunday Times* (20 Feb 2000) reports that there is now convincing evidence that the Treasure was discovered at **Szabadbattyán, Hungary**, by a young local, József Sumegh, who was found hanged in mysterious circumstances in 1980. The paper also revealed that the value of the **out-of-court settlement** awarded to the Marquess of Northampton by his former solicitors Allen & Overy in connection with the case (see In The News CWC issue 4) was a whopping £24 million.

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We are always pleased to receive relevant press clippings and news items.

## Red alert in Nigeria

NEIL BRODIE

On 12 May ICOM released its Red List which catalogues African antiquities under imminent threat of looting or theft. The list was drawn up at the AFRICOM-sponsored Workshop on the Protection of the African Cultural Heritage held in Amsterdam in October 1997 and contains eight categories of material, three of which are exclusively Nigerian, and one partly so. That nearly 50 per cent of the Red List is comprised of Nigerian material is a timely reminder of the depredations which that country continues to suffer.

In recent times, the illicit trade in antiquities first began to worry Nigerians during the 1970s and as a result in 1972 Nigeria ratified the UNESCO *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*. In 1977 the National Commission for Museums and Monuments (NCMM) was established to implement the National Commission for Museums

and Monuments Decree no. 77 which, among other things, forbids any person unauthorized by the NCMM to buy or sell antiquities (Jegede 1996, 128–31). During the 1980s, however, the looting continued and museums were increasingly targeted. In 1987 nine objects were stolen from the National Museum at Jos. Things deteriorated still further during the 1990s when it is estimated that 429 objects were stolen from 33 museums or institutions nationwide (Adeseri 1999b). The Red List reveals that between April 1993 and November 1994, for instance, 40 objects were stolen from the Ife museum while a few years later staff at the Owe Museum were viciously attacked and one was killed. 13 statues were removed from the National Museum of Esie in 1993 and a further 21 in 1995.

It seems that museum staff have been involved in some of these thefts (Jegede 1996, 137; Willett 2000), but that is perhaps excusable when one considers the economic blight that has afflicted West Africa in general over the past couple of decades. Salaries are low and often in arrears and during the 1990s Museum and University staff were forced to strike because of chronic low



pay. As Patrick Darling emphasizes in his article on page 20, the theft and looting of antiquities cannot be seen in isolation, but must be viewed as one part of a larger problem which is at root economic. Indeed, it is a tribute to the professionalism of Nigerian archaeologists that initiatives can still be carried through in the face of Government indifference and economic dislocation.

Corruption at the top is harder to excuse although this now looks set to end as in 1999 the Ministry of Culture and Tourism launched a probe into the NCMM and the Director-General was accused of financial impropriety (Adeseri 1999a,b).

The ICOM Red List is reproduced in full on page 15. Its three Nigerian categories are:

*Nok terracottas from the Bauchi Plateau and the Katsina and Sokoto regions.* The Nok 'culture' of central Nigeria is thought to have first appeared about 500 BC and to have persisted until AD 200. Nok sites provide some of the earliest indications of iron-working south of the Sahara as well as the first evidence of the use of pottery for figurative sculpture.

*Terracottas and bronzes from Ife.* Ife, in south-west Nigeria, built towards the end of the first millennium AD, was one of the region's earliest cities and dominated the routes that led from the forests of the Lower Niger region. These anthropomorphic and zoomorphic statues were produced in the area for the following four centuries.

*Stone statues from Esie.* There are about 800 of these steatite statues which were found together as a cache. Their date is unknown.

The first edition of the earlier ICOM publication *Looting in Africa* led to the seizure by French police of three Ife terracotta heads which were returned to Nigeria in 1996 and already the Red List is having an effect. First under the spotlight

was the Louvre with two newly purchased Nok terracottas. The Louvre claimed that France had agreed with the Nigerian Government to keep the terracottas in exchange for educational help, but the Secretary-General of ICOM remains unconvinced and several Nigerian curators have complained (Henley 2000). This was followed in May by protests from the Governments of Niger and Nigeria that led to the withdrawal of seventeen terracottas from a scheduled sale at the Hôtel Drouot.

These are positive signals but all is still not well. European and North American institutions continue to collect listed material. In a February press release for instance the Virginia Museum of Fine Arts proudly announced its acquisition of a Sokoto terracotta, and included an appreciation of the piece by curator Richard Woodward, but no mention of the theft and destruction. The Nigerian High Commission in London has also complained to Bonhams about its continuing auctions of unprovenanced material from Africa.

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**The Red List includes the following categories of archaeological items:**

- Nok terracotta from the Bauchi Plateau and the Katsina and Sokoto regions (Nigeria)
- Terracotta and bronzes from Ife (Nigeria)
- Esie stone statues (Nigeria)
- Terracotta, bronzes and pottery from the Niger Valley (Mali)
- Terracotta statuettes, bronzes, potteries, and stone statues from the Bura System (Niger, Burkina Faso)
- Stone statues from the North of Burkina Faso and neighbouring regions
- Terracotta from the North of Ghana (Komaland) and Côte d'Ivoire
- Terracotta and bronzes so-called Sao (Cameroon, Chad, Nigeria)

## **The rape of Nok and Kwatakwashi: the crisis in Nigerian Antiquities**

PATRICK J. DARLING

*[Editor's note: This is the text of a report prepared by the author in 1995 at the request of the World Heritage Committee. The term 'Kwatakwashi' refers to material described as Sokoto in the ICOM Red List.]*

Throughout history, countries commanding strong military or financial power have encouraged a movement of antiquities and art objects from other nations. Recently, there has been a notable acceleration of this movement, with the looting of unexcavated antiquities in Peru and Egypt receiving the most press attention. The situation in West Africa has received less publicity but is just as worrying. In the 1980s, bronzes were being looted from Jenne in Mali, and fifteenth- to seventeenth-century material was being stolen and sold from Komaland in Ghana and from Bankoni in Mali. Apparently, the Bankoni mate-

rial still appears on the market, but Jenne bronzes are now difficult to find.

The scale of these sales, however, pales into insignificance against the massive influx of 'Nok' and what I will term 'Kwatakwashi' terracottas from Nigeria into Europe in recent times. A few years ago, a Nok head would fetch \$20–30,000 on the world market: now a similar head fetches less than \$100. This report helps to explain how this has happened. It has been given verbally to the Director of Museums and Monuments in Lagos, as well as to the World Heritage Committee Chairman, who has advised me to set it out in writing, together with the range of options to counteract the effects of this organized and systematic rape of some of Nigeria's earliest material culture.

Many of the 'facts' draw heavily on second-hand expatriate gossip in Lagos in 1995 and their veracity would be totally suspect were it not that most 'facts' cross-check well with reports coming from Europe, with odd pieces of unsolicited information, and with previously published data. In the few cases where I have had first-hand experience of the material, I have introduced the personal pronoun to make this clear. This report, therefore, aims to reconstruct what has happened



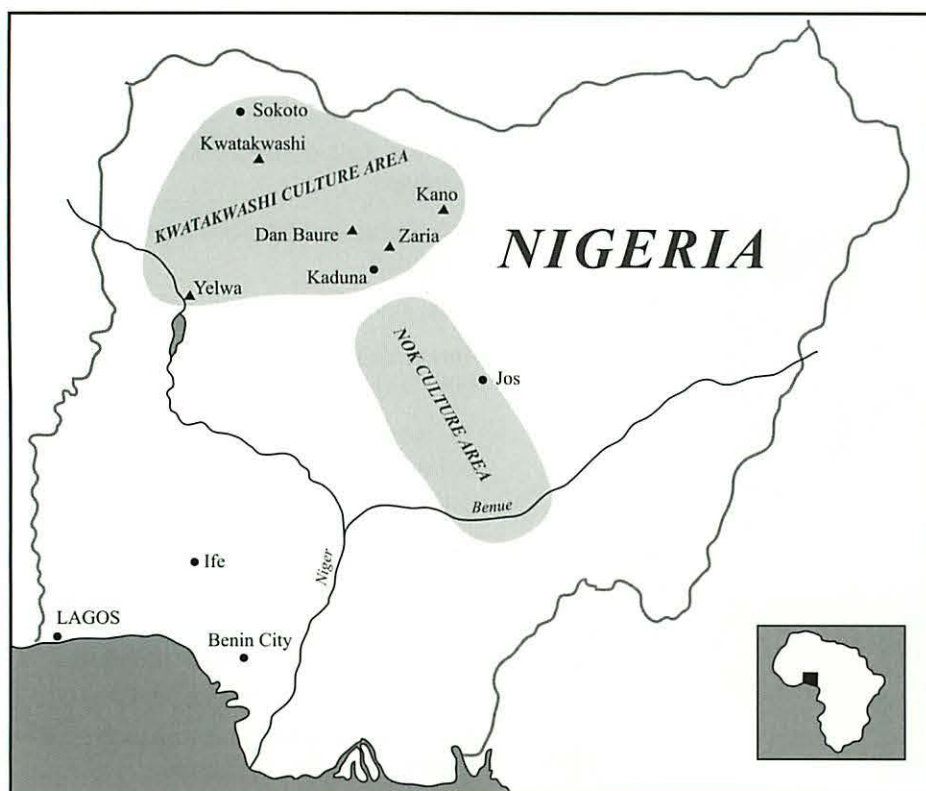


Figure 1. Extent of Nok and Kwatakwashi (Sokoto/Katsina) cultures.

and where, and to suggest various possible remedies: there is neither the data nor the intention to identify any individuals involved.

Archaeological excavations require a legal permit; but this has been by-passed by some people becoming Accreditation Agents in mining, which gives them the right to open the ground in their search for minerals and, therefore, a quasi-legal basis for 'coming across' buried antiquities. It only required a shift in the search focus from cassiterite to surface sherds and past cooking stones (grouped in threes) to considerably increase the incidence of 'coming across' such antiquities. Searching around inselbergs was another fruitful strategy. Numerous diggers, including local villagers, would cover a wide area, then all would converge on sites where terracottas begun to be found.

These strategies became so successful that it is estimated that on average ten terracottas were being discovered in each day of digging, which would have yielded about 3000 terracottas every year. Of these, a few hundred were very good pieces commanding a high market price: they were rapidly removed by key traders to Lome and Cotonou, from where they were sent to Europe. The pieces of secondary value tended to

move much more slowly; and many terracottas were broken *in situ*. Two main 2000-year-old cultures have been affected: Nok, and what I term 'Kwatakwashi' after the hill site from which the best examples of this ancient culture's terracottas have been recovered (Fig. 1).

According to reports from earlier this century, Kwatakwashi was a hill settlement with a shrine of considerable importance (Fig. 3). During the 1994 World Heritage Sites trip, my attention was drawn to this site by Professor Mahdi Adamu (Sokoto), who rated Kwatakwashi second only to Kwiambana in terms of

ancient history in Sokoto State. The Head of Station at Kaduna Museum, Dr Chafe, invited me to travel with him to check on reports about illegal excavations at Kwatakwashi: that arrangement fell through but, as I was travelling that way anyhow, I carried out the work and submitted short reports of what I noted on and around Kwatakwashi hill to the National Museums at Kano and Jos; and included illustrations of what I was able to photograph in my 1994 report on World Heritage Sites for Nigeria (Figs. 2 & 4).

The torsos and heads of these Kwatakwashi figures came from villages some kilometres away from the main high inselberg. They seem to be less finely executed than most Nok ware. One figure has curious horn-like protuberances and may be an effigy of a goat or monkey; another figure is bearded and has been made with distorted legs but no arms; whilst incision has been widely used on a third figurine to indicate fingers and to emphasize features including what may be an umbilical hernia. The rudimentary fingers and shapes are similar to figurines excavated in Yelwa and dated to 1700 years ago. The umbilical hernia feature has been noted on one of the terracottas deliberately smashed by the people of Dan Baure (the fragments being placed in



Gidan Makama Museum, Kano by me in 1985), as well as a terracotta from Gashua recently donated to the National Museum, Lagos.

It is said that the best quality complete figurines up to a metre high were dug from the main Kwatakwashi hill, including one of an old man with an elongated neck and beard; and there were many bowls abandoned by the looters at the site. Similar figurines have been reported from closer to Sokoto and as far north as Kaura Namode; and systematic digging has taken place in inselberg environs over much of northwestern and north-central Nigeria. European art collectors had the figurines thermoluminescence (TL) dated to about 1500–2000 years ago; but there was a limited market for Kwatakwashi ware, which was perceived as being cruder than Nok: its price fell, and searches concentrated on the Nok area again.

The significance of the Kwatakwashi culture lies in its geographical distribution and in its dating. If the findings of ‘grave goods’ and odd figurines from Zaria and Kano are included with the other similar terracottas noted above, then their distribution is roughly coincident with that of all the later Hausa States (see Fig. 1). It would be premature to state definitely that this culture belonged to the ancestors of those now living in Hausaland; but interpretations suggesting otherwise would have to invoke events more traumatic than the nineteenth-century Jihad to displace complete populations over such a vast area. The dating is contemporaneous with the latter part of the Nok culture adjacent to the southeast; and this raises some interesting questions about Early Iron Age cultural dispersion and/or migrations from the Nok northwest to the Kwatakwashi areas. The 1994 spate of looting has caused much damage; but it has also uncovered enough new material to identify the most extensive culture in Nigeria’s early history — and that is a significant positive discovery.

The market shift back to Nok figurines meant that all the half-dozen or so main traders moved to work in roughly the same Nok culture areas by mid-1994. Some excellent pieces were dug out from the area around Mupa Upare Hill between Kachia and Kakarko, and the diggers moved systematically southwards into the Katuga/Kakargo area and then towards Suleja in 1995. Most of the terracottas came from under flat stone

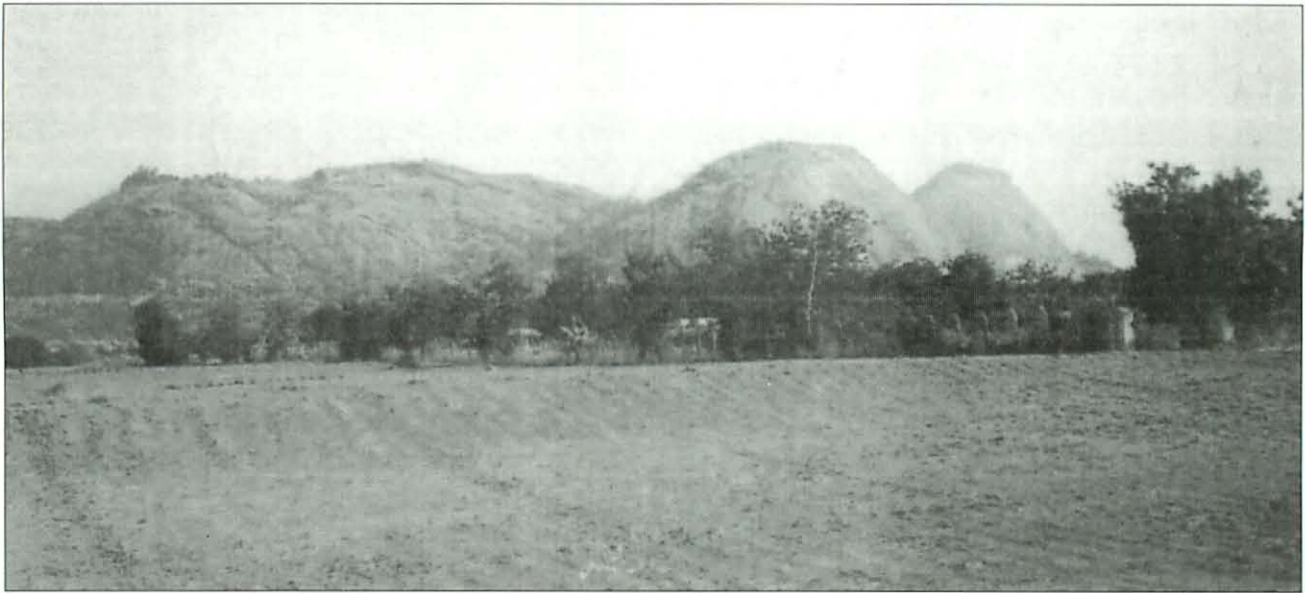


**Figure 2.** 2000-year-old terracotta head irrevocably damaged by looters.

slabs laid horizontally about 60 cm or so below the surface; but, curiously, there were no reports of buried skeletons in their vicinity. The finds included complete figurines about a metre high and considerably better than anything previously excavated. There were ‘action pieces’ of women grinding, and of men leaning elbows on their knees. There were face masks 60–90 cm in diameter. Humanized heads of various animals included dog and snake effigies (the most common) and some much rarer ones of cat and rhinoceros. Snakes were a common decoration on many pots. As the diggers worked new areas, regional variations in Nok culture art were revealed; but no record was made of which variation came from which region, and there were no photographs to record the supreme examples or the width of variation of ancient Nok art.

In May or June 1994, the work in the Katuga/





**Figure 3.** *Kwatakwasshi Hill. A major 2500-year-old religious centre looted of its sacred terracottas.*

Kakarko area was halted and it is claimed that there was police and/or army intervention. Digging resumed in early October 1994. By this stage, those who had heeded the ban on illegal excavation found themselves with severe cash-flow problems, and their scale of operation declined. Two main traders emerged, each being able to employ about a thousand diggers to systematically loot the rest of the Nok culture. Apparently, they both had ostentatious houses; and by July 1995 both had been hit by armed robbers.

The attitudes of local communities to terracotta figurines is important. At Dan Baure (west of Zaria) in 1983, local people told me they had smashed terracottas because they were idols. Similar ideas underlie some thinking at higher levels, which shows little interest in pre-Islamic Hausa history (there are parallels for pre-Christian artefacts in southern Nigeria). At Kwatakwasshi, I found the local leaders puzzled over the age and meaning of the figurines; but most of their people welcomed the opportunity of making money from the mass diggings — each worker then received N1000 for any good find, and the dealers were selling each terracotta for about N35,000. However, at Chafe, the local chief refused to allow any digging. In the Nok culture areas, the price of the best pieces reach a few hundred thousand naira or perhaps more; but it is not clear whether there is any significant feed-back of this revenue to local communities. There have been more refusals by local communities

to allow digging in the areas further south towards Suleja; and this has been a major factor in slowing down the mass diggings. It is not certain whether economic or cultural reasons underlie these increasing refusals; but they provide a ray of hope for future conservation of the remaining Nok culture.

In the 1970s, Victoria Island in Lagos had been the main centre of art dealers. When Nigerian legislation on antiquities became enforced, this activity moved to Lome and Cotonou (in neighbouring Togo & Benin), where the laws permit the exporting of antiques. Tightening up on border controls has inhibited some movement of antiquities; but alternative routes through Nigeria's 'porous borders', including diplomatic bags, have been used to by-pass such measures.

Art dealers in Brussels and Paris appear to be the main recipients; but Germany, Holland, Switzerland and England have been cited as other countries in which dealers are collecting Nok and Kwatakwasshi terracotta figurines. These collections are illegal and, therefore, the items are kept secret. As dealers have been stung by fakes from Nigeria, each terracotta is dated by thermoluminescence: a small hole is drilled in the back of the terracotta and a pottery fragment is taken away for dating together with a polaroid picture of the object concerned. As Nigerian traders wash all the soil out of the terracottas, there is no background soil count and this may affect the reliability and standard deviation of the TL re-



sults. The use of the polaroid picture for the resulting dating certificate means that the private art collector in Europe has the only record of the piece that he has secretly bought. The illegality of the Nok and Kwatakwasshi terracottas means that both dealers and collectors keep their actions covert; and items only very rarely come to light. Consequently, there is almost no record of what Nigeria has lost: almost two complete ancient cultures have been looted, and there are no photographs, no records of associated artefacts, no mapping of past settlement distribution, and no noting of stylistic comparisons or archaeological provenances. In this respect, it could be argued that the law is counterproductive.

Museum thefts are on the increase worldwide and Nigeria has not been unaffected. There have been at least two thefts of objects from the Jos museum public displays; and the pottery museum has also been affected. Recently, other museums have been hard hit. Ife has lost all but a dented bronze head; and Esie, Nigeria's first museum, has lost many of its pieces: both museums have been closed. Less spectacular has been the steady drain of lesser thefts which, in the past, has included the non-return of items loaned out for exhibition elsewhere. In many cases, photographic records and descriptions of the missing objects are poor; and there has been little public outcry over these tragic losses.

Museums and art collections are foreign concepts to most Nigerians. Much of Nigerian art belongs to cultures now being actively rejected by those espousing Islamic or Christian faiths, which are growing at the expense of traditional religions. In a period of austerity, the urgency of meeting daily needs is the main concern of many Nigerians; and the conservation of past culture is regarded as something of a luxury. Most public primary school children never see a museum; so the value of past material culture is not imbued at an early age. As the processes of development and change take place, many of the best elements of Nigeria's past culture are becoming bulldozed, eroded, burnt or stolen. Future generations of Nigerians may be better informed and appreciate the value of what has been lost — albeit too late. The question is not simply one of preventing antiquities being exported or stolen. The value of recorded

knowledge of Nigeria's past cultures should outweigh the value of the cultural objects themselves; for such knowledge leads to a better understanding and appreciation of Nigeria's past culture.

### **Main options**

Options involve processes of choice, prioritization and compromise in the pursuit of multiple, and sometimes conflicting objectives. In the case of the above problems, the range of objectives could include:

- (a) deterring the export of antiquities through legal measures;
- (b) recovering illegally exported antiquities;
- (c) preventing the theft of antiquities from museums;
- (d) obtaining a full record of illegally exported antiquities;
- (e) earning foreign exchange from controlled export sales.

When it comes to policy formulation, though, the present law endorses only objectives (a), (b) and (c) and makes no provision for the objectives (d) and (e). Indeed, the pursuance of objective (b) would be perceived as being hypocritical if there were not strong parallel efforts to meet objective (d); and objectives (a) and (e) appear to be directly contradictory. National Museum policy, therefore, has to decide which are its most important and realizable objectives.

One way of coming to terms with conflicting objectives is to examine the various practical options available to achieve each objective, then aim for what economists term a 'second-best solution', i.e. a pragmatic acceptance that some ideals will be impossible to achieve, and that pursuing them will be of less overall benefit than attempting the issues that can be achieved. The matrix listing helps towards this (see Table 1).

A temporary amnesty on all Nigerian antiquities in Europe would allow art collectors and art dealers to register all major items and to provide a good photographs and TL dates of the finest pieces. Nigeria would then know much more about its early past cultures; major items could be traced back to their original sites and their archaeological provenances reconstructed. A key incentive of such an amnesty would be that registered items could then be sold at public auction. This would encourage collectors to register their



**Table 1. Solutions matrix.**

Option	Effectiveness for objectives				
	(a)	(b)	(c)	(d)	(e)
Step up border and airport controls	F	—	P	—	—
Examine diplomatic baggage	P	—	P	—	—
Take known traders to court	F	—	P	—	—
Press Interpol search for stolen property	P	P	P	P	—
Declare temporary amnesty in Europe for registration, recording and auction		F	P	VG	
i) pay nominal compensation for return	P	F	P	P	—
ii) pay market price for return	P	VG	P	G	—
Revise law to allow controlled export	F	P	P	F	G
Loan only replicas of objects for exhibition elsewhere	G	—	G	—	—
Increase the daily usage of museums so that everyone involved receives more job satisfaction and income	—	—	G	—	F
Good-quality recording of museum items	—	F	F	G	F
Rescue archaeology on looted sites	—	—	—	G	—

(Very Good, Good, Fair, Poor)

items and also provide an opportunity for the Nigerian government to buy back particularly fine pieces at nominal or market rates. It is envisaged that the amnesty would operate for only a limited period of about 6–12 months — after which time any unregistered objects would be declared stolen property. The primary objective would be the recording of what has otherwise been lost, with recovery as a secondary objective, as indicated by sub-options (i) and (ii). It is envisaged that an amnesty would yield better results than any immediate moves to step up Interpol policing. Effecting a temporary amnesty would need very efficient follow-up work with art dealers throughout Europe, as well as keeping to a tight time schedule, otherwise the wrong signals could be sent out. Dealers would be responsible for contacting private art collectors to register their items and, to be effective, measures could be taken to protect the anonymity of most collectors and dealers. The National Commission for Museums and Monuments (NCMM), ICCROM, ICOM and key auction houses would keep copies of the final register; and the relevant page entries would be sent to those who had contributed photographs and dates, even if via an intermediate address.

Rescue archaeology of the looted Nok sites has already been proposed by NCMM archaeologists at the National Museum, Jos. Their proposal could be taken a step further to link in looted sites of the Kwatakwashi culture. Such a project would aim to plot the main areas of digging and the precise sites where the main finds



**Figure 4. Looted 2000-year-old figurine having a base similar to later altars.**

were made. These site spoil heaps would then be rapidly sieved for associated sherds and other artefacts. It would involve liaison with local people who had been engaged in the digging; and this raises a conflict of interests if there is also to be strict enforcement of the law elsewhere. The descriptions of the main finds by local people provide the best hope of linking sites to the finest terracottas photographed from Europe. If a good record of what is lost is considered as being as or more important than intermittent efforts at law enforcement against powerful vested interests, then any conflict of interests can be resolved by separating recording teams from law enforcement teams in time, space and personnel. The conflict would then occur only in areas where mass digging was still taking place.

In the long-run, the problems being experienced in Nigeria and many other parts of the Third World can only be resolved by two factors — an upturn in standards of living for the bulk of the population, and an increased appreciation



of the value of past culture. In the short-run, it may well be more productive to employ a positive strategy mix, as noted above; as this is probably the only way of recording the lost data. However, future prevention and conservation should not be neglected. To achieve a strategy mix without confusing or alienating public opinion is a challenge to any Cultural Resource Management policy. The alternative is to continue with policies which merely chastise offenders without actually rectifying the situation, without recording any substantial data, and without recovering much of what is lost.

### Postscript

The above report was submitted to Nigeria's NCMM in August 1995. In October 1995 they replied with a thinly-veiled legal threat against the author but no promise of action. Nevertheless, a very senior NCMM official went up to deal with the looters (who all bowed down in greeting to him) and a committee was set up with the ministry of Mines and Power to sort out the overlap of interests. However, five years later, that the scale of looting

is worse than ever. In the face of the personal greed of the powerful, laws alone are inadequate. All this points strongly to the inadequacy of laws in isolation.

The major cause of economic disequilibrium which underlies the sale of antiquities is capital flight. Over £150 billion has come out of Nigeria into European and US bank accounts in the last few years: i.e. the western economy is propped up partly by Africa — precisely the opposite of what development agencies have been stating. Ultimately, this silent issue will have to be addressed. If not, there will be nothing of cultural value left in Africa: and that would be to the detriment of the whole world.

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## Book review

**Schick, Jürgen, 1999. *The Gods are Leaving the Country*. Bangkok: Orchid Press, 211pp.**

Strangely, it seems that in Nepal statues of the kindly elephant-headed god Ganesha are only very rarely stolen. Are they left alone out of veneration perhaps? No, apparently not. The author of *The Gods are Leaving the Country* suggests instead that as the statues do not accord with Western aesthetic tastes, they are not collected and therefore are not stolen. Pretty much everything else is though, as seen in this book, which provides a photographic record of the damage caused to Nepal's cultural heritage by the superheated 'Asian Art' market.

Jürgen Schick first settled in Nepal towards the end of the 1970s and in 1981 he began photographing the stone sculpture of his adopted country. These statues, which depict deities of the Hindu and Buddhist pantheons, might be any-

thing up to two thousand years old and are still worshipped as part of a religious tradition that is very much alive. Unfortunately, it did not take long for Schick to realize that they were under attack as, increasingly, he came across dismembered statues, vandalized shrines and emptied niches. His project changed from being, in his own words, 'a documentation of beauty to a documentation of destruction'. This book is the document of the destruction. It contains 186 photographs of over 160 pieces which have since disappeared or been disfigured, including some 'before and after' photographs, two of which show the appalling mutilation of a sixteenth-century statue of Sarasvati, a beautiful image featured intact on the front cover. The decapitated torso is shown inside.

Schick suggests that by 1970 almost all of Nepal's bronzes had already been smuggled out of the country but that the stone sculpture was still relatively intact. Its removal started early in the 1980s, reaching a peak in 1984, and now not a temple survives in the Kathmandu Valley that



Jürgen Schick  
**THE GODS ARE LEAVING  
 THE COUNTRY**  
*Art Theft from Nepal*



has not been visited by looters. They were often armed and at Svayambhunath a priest was killed when trying to protect a statue. The despoliation seems now to be in decline, perhaps because, as the author suggests, not much remains to steal. What little does is often obscured by iron grilles or secured by iron bars and cement. Ugly, and not always effective — the sixth-century Ek-mukha Shivalingam of Pashupatinath was set into a large concrete drum; unable to remove it the thieves broke off its nose.

The international dimension is emphasized again and again. Clearly, most of the looted material ends up in public or private collections in the west but there is another telling reminder that the illicit trade in such material is well-organized. The first, German, edition of this book was

published in 1989 and in 1996 the office of its Bangkok publisher was broken into and 80 of the original photographic slides were stolen. The photographs must have had somebody worried.

As a result of this book, and also of Lain S. Bangdel's *Stolen Images of Nepal*, some of the Gods now look set to return. In 1999 a Los Angeles-based private collector returned four pieces to Nepal, including the head of the Sarasvati statue featured on the front cover of the book. The collector wishes to remain anonymous, out of shame perhaps for taking part, however remotely, in a major act of cultural vandalism.

*The Gods are Leaving the Country* provides a visual commentary on the callous sack of a nation's heritage, and it is difficult in words to convey the full sense, or horror, of its message. It has to be seen, not talked about, and it deserves a wide circulation. At the very least it would be nice to see it piled high in the bookshops of those museums in both the United Kingdom and the United States which continue to collaborate with the trade in the now annual 'Asian Art' weeks.

*The Gods are Leaving the Country* is available from Orchid Press at the following addresses:

98/13 Soi Apha Phirom Ratchada Rd, Chatuchak,  
 Bangkok 10900, Thailand.  
 Tel: +66 2 930 0149; Fax +66 2 930 5646  
 e-mail wop@inet.co.th

4840 Acorn Street, Montreal H4C 1L6, Canada  
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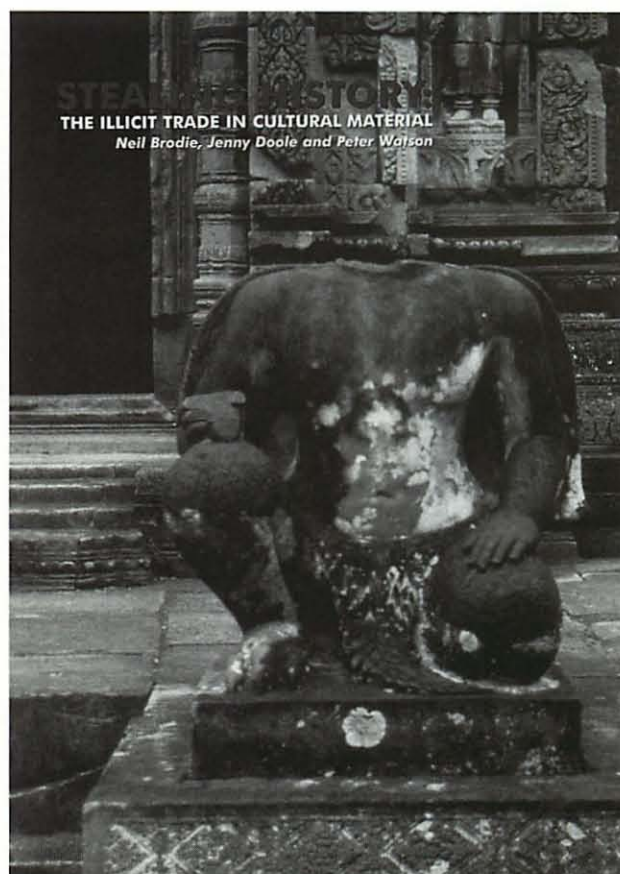
It is also available from Amazon Books.

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## ***Stealing History: the Illicit Trade in Cultural Material***

June 12 saw the launch of *Stealing History: the Illicit Trade in Cultural Material*, a report commissioned by the Museums Association and ICOM-UK, and written by Neil Brodie, Jenny Doole and Peter Watson. It provides an overview of the illicit trade in archaeological, ethnographic and palaeontological material, and the damage it causes, and makes recommendations for museums to protect them from buying illicit material, and for Her Majesty's Government to help stamp the trade out. *Stealing History* is available from the Museums Association or the McDonald Institute for Archaeological Research. Please contact Jenny Doole (jd244@cam.ac.uk) for further details.



**Front cover.** 2000-year-old Kwatakwasshi terracotta from Nigeria irrevocably damaged by looters.

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ISSN 1464-1925

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Correspondence relating to all aspects of the legal and illegal trade in antiquities is welcome; we will make an effort to print reasonable, non-libellous letters. No unsigned letters will be printed, but names will be withheld upon request.



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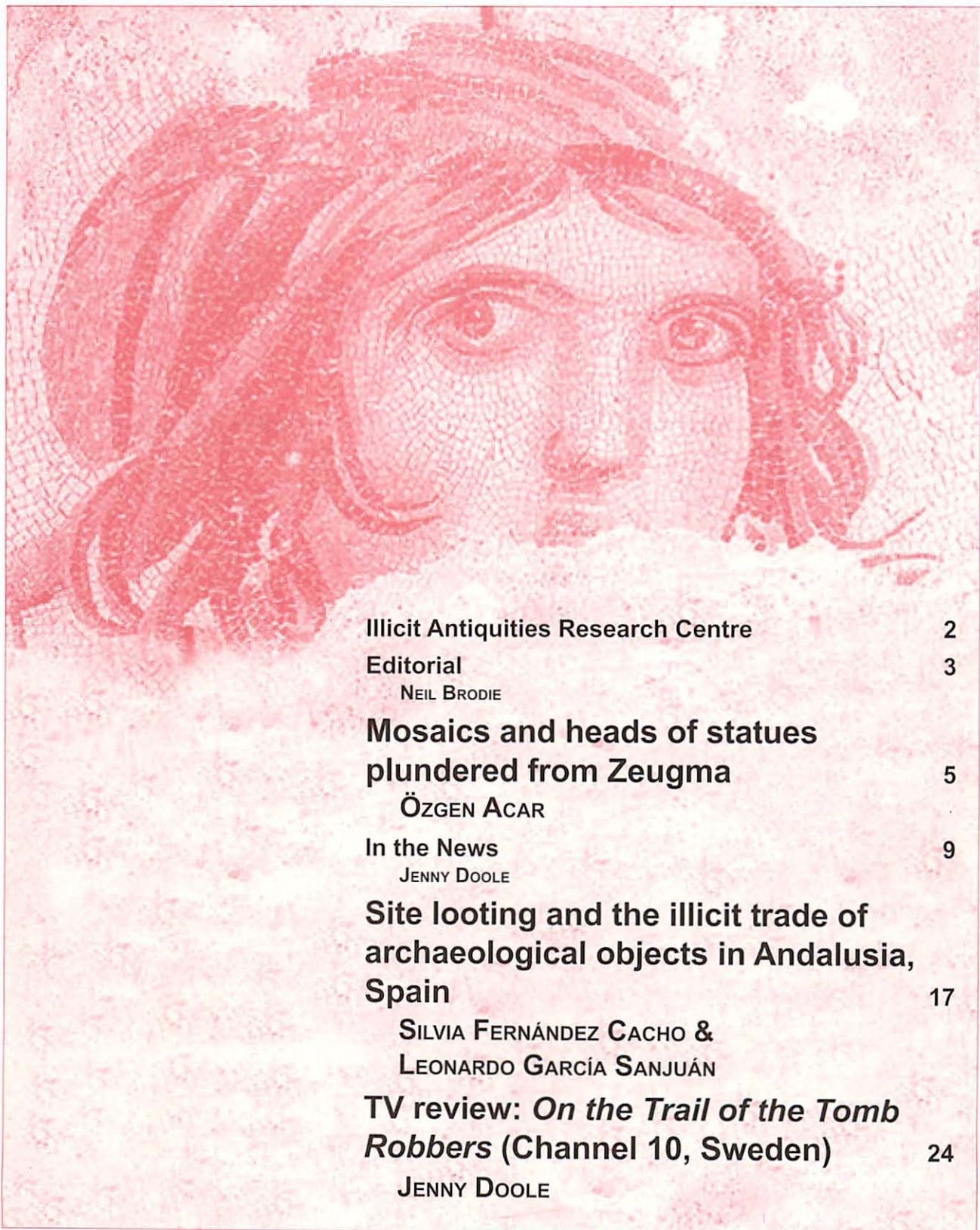
Printed by BluePrint, 6 Clifton Road, Cambridge CB1 7W6. Tel: +44 (0)1223 472400









	
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## Illicit Antiquities Research Centre

The Illicit Antiquities Research Centre (IARC) was established in May 1996, under the auspices of the McDonald Institute for Archaeological Research in Cambridge, England, and it commenced operations in October 1997. Its purpose is to monitor and report upon the damage caused to cultural heritage by the international trade in illicit antiquities (i.e. antiquities which have been stolen or clandestinely excavated and illegally exported). The enormous increase in the volume of this trade over the past twenty years has caused the large-scale plundering of archaeological sites and museums around the world. The IARC will raise public awareness of the problems caused by this trade and seek appropriate national and international legislation, codes of conduct and other conventions to place restraint upon it.

*Culture Without Context* is published twice yearly. The next issue will appear in spring 2001. Subscription details are available from:

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## Editorial

The value of the trade in antiquities worldwide is a matter for trade denial, academic counter-denial, media speculation, government enquiry, and even the occasional quantitative study. Auction results, of course, are on public record. Sotheby's New York March 2000 sale of Indian and Southeast Asian 'Art' for instance realized just over \$6 million, while three months earlier their sale of Antiquities and Islamic Art raised slightly above \$4 million. It is what goes on outside the auction rooms that interests archaeologists, however, the value of what is termed the 'invisible trade' — although one suspects it is not so much invisible as hidden from the eyes of those who show an unwelcome, because not entirely commercial, interest. Although it is often rumoured that big deals go on out of sight, it is only very rarely that high-value lots are seen in public. One thinks for instance of the Sevso treasure, bought privately over a period of years, and now hoped to be worth about £40 million. At the October *Cultura* antiques fair in Basel another 'treasure' broke cover as David Bernstein offered a ten kilogram cache of Pre-Columbian gold for \$3.5 million. Not up to Sevso standard perhaps, but a tidy sum nevertheless and one that Christie's or Bonhams would be happy to see change hands at one of their London sales.

*Cultura* was in its second year, with 73 exhibitors, the majority of them dealing in antiquities. All objects above a certain price were passed through the Art Loss Register, thus ensuring the 'highest possible standard of diligence' according to Peter Blome, the Director of the Basel Museum of Ancient Art, writing in an advertising feature of the *International Herald Tribune* (October 14–15 2000). He went on to reassure those readers whose pockets did not quite run to Bernstein's gold that nonetheless there were plenty of objects available to satisfy the more modest budget. Whether these low-value objects were searched on the Register isn't clear — one suspects not. In any event, at the risk of boring our more informed readers, the Art Loss Register cannot (and does not claim to) contain details of antiquities which have been excavated

without record and smuggled without trace. Data bases are invaluable in the fight against art theft, but as a defence against the circulation of illicit antiquities they are of only limited use — a necessary but not sufficient check.

In his advertising piece Professor Blome, who is a member of the board of *Cultura*, was also keen to defend the fair, arguing that the trade saves for posterity many objects that would otherwise have been lost. Hardly an original observation this, but his stance is a brave — some might say rash — one for a museum director. The role of academic and other cultural institutions in helping to legitimize the illicit trade in antiquities has been exposed often enough in the past, usually to the embarrassment of those involved. One can only presume that by lending his name and professional reputation to this commercial enterprise he is confident of its total legitimacy; *Cultura Without Context* hopes his confidence is not betrayed by those he seeks to support.



Antiquities Fairs are seen by some to be the way of the future, allowing dealers to dispense with the costly overhead of a showroom, while at the same time providing them with the opportunity to meet a larger and more diverse clientele. For others, though, the future lies with eBay and similar internet auction sites. At the time of writing there were on eBay over 3000 antiquities on offer, of various qualities, ranging from the rare to the replica. A typical piece is a Babalonian [sic] cylinder seal, claimed to be worth between \$2500–\$3000, and authenticated by Wilfred Lambert, although the date of authentication is not known. eBay is in trouble in the US over the possible sale of fakes and has received letters from the major archaeological organizations expressing their concern that eBay might be used to market illicit antiquities (see In the News p. 12). Their concern is justified. There are huge quantities of Roman coins for sale on eBay described as being from an area 'north of Greece' or, sometimes — more accurately — 'Bulgaria'. It is not surprising then to discover that two illegal shipments of coins from Bulgaria — over 20,000 in total — have recently been intercepted at Sofia and London (see In the News p. 14). Also, on page 17 of this issue Cacho and Sanjuán report on a smuggling ring that had been



marketing looted antiquities from Andalusia on a 'web site based in San José, California'.



Talk of big money deals and Wilfred Lambert brings to mind the mysterious Achaemenid and Sassanian silver and gold seized by New York police in 1986. Authenticated by Lambert and insured for \$18 million, its owner — London-based dealer Houshang Mahboubian — had arranged for its shipment from Zurich to New York where he had conspired with Nedjatollah Sakhai to bring about its theft, presumably in order to collect on the insurance. At the 1987 trial three expert witnesses argued that a large part of the material was fake, but Lambert stood by his original claim of authenticity. The pre-Zurich ownership history of the material does not seem to have been discussed, but, if known, could have spared the jury the discomfort of sitting through four expert testimonies.



In October 1999 the Select Committee of the United Kingdom's Department for Culture, Media and Sport announced an inquiry into the return and illicit trade of cultural property. Select Committees have no authority to legislate and cannot determine Government policy, they can however act as 'lightning rods' for controversial issues by attracting and synthesizing a diverse range of opinions, and are able to make recommendations which may influence Government policy. The Culture, Media and Sport Committee Inquiry into Cultural Property: the Return and Illicit Trade received 88 written depositions and took oral evidence from 22 individuals or organizations. It was concerned with two issues. First was that of the present-day illicit trade in cultural property: its nature and scale. Second, claims for restitution made against cultural property presently curated within UK museums. Its recommendations as regards the illicit trade were:

- That a clear system for recording the ownership history of a cultural object, linked directly to the capacity to conduct a legitimate transaction, would be an extremely important tool in tackling the illicit trade in cultural property and is therefore desirable in principle. However, we have received persuasive evidence that a compulsory 'log book' providing such a record would face many difficulties, some

of them probably insuperable, and we have concluded reluctantly that such a compulsory 'log book' would not represent a practical way forward. However, where organizations feel that they can establish some sort of voluntary 'log book' within their own resources this would be very much welcomed.

- That the Home Office make a public commitment in the course of this year to establishing a national data base of stolen cultural property and cultural property exported *against the laws of countries concerned under national police control*. The Home Office should also seek to take forward detailed discussions with the police service, the insurance industry, the art market and private data base operators about the development of an open system which can meet the needs and draw upon the skills and funds of the private sector. Finally, the Home Office should liaise closely with other countries to ensure that any national development is compatible with the wider international development of a data base of stolen and illegally exported cultural property.
- That no changes be made to the United Kingdom's current controls on the export of cultural property.
- That the Government introduce legislation creating a criminal offence of trading in cultural property in designated categories from designated countries which has been stolen or illicitly excavated or illegally exported from those countries after the entry into force of the legislation, with a defence in law based on the exercise of due diligence as defined in that legislation.
- That the United Kingdom sign the 1995 Unidroit Convention and that the Government bring forward legislation to give effect to its provisions and facilitate early ratification.
- Assuming that the two previous recommendations are implemented, it is not recommended that the United Kingdom become a party to the 1970 UNESCO Convention.

The Government response to these recommendations (published in October 2000) was necessarily circumspect as it has set up its own advisory panel on the illicit trade to review both legislative and non-legislative options for action, which will take the Select Committees recommendations into



account, and which has been asked to report to the Government before the end of November 2000, at which time the Government will then make a further response to the Select Committee.



In Italy, the *Comando Carabinieri* has set up a web site with photographs of over six hundred stolen archaeological objects. It can be found at [www.carabinieri.it/tpa/tpa.asp](http://www.carabinieri.it/tpa/tpa.asp).

NEIL BRODIE

## Mosaics and heads of statues plundered from Zeugma

ÖZGEN ACAR

For more than 30 years Turkey has been constructing over 100 dams in southeast Anatolia, both to help solve the energy crisis and to provide the irrigation water necessary for regional development. One of these dams is being built on the Euphrates River. Called the Birecik dam, after the nearby town of Birecik, it has caused the inundation of the outskirts of Zeugma, an ancient town 800 metres away. Turkish and foreign archaeologists have worked on rescue excavations in this town, which is famous for its mosaics, but smugglers had already put Zeugma on the map long before either the dam or the archaeologists.

The plundering of mosaics from Zeugma stretches back as far as the nineteenth century.



Figure 1. Headless statues in Gaziantep museum.

One of the most important of these is a panel depicting the sea god Poseidon surrounded by personifications of Roman provinces within medallions. This mosaic is currently on exhibition, in pieces, in St Petersburg and Berlin. Then, for the last 13 years, archaeologists from Gaziantep Museum have been forced to undertake sporadic



Figure 2. Headless statue in Gaziantep museum.

rescue excavations in response to illegal digging and smuggling. Attributions used in various museum catalogues to describe the origins of mosaics, such as 'East Mediterranean', 'near Syria', 'said to be from East Turkey' probably, in fact, refer to Zeugma. For example, there is the second-century AD mosaic in the North Carolina Museum of Art, said to be 'probably from East Turkey'.

In 1987, five life-size statues made of limestone were found during a rescue excavation in front of a rock-cut family tomb after the museum had been alerted to an illegal dig. However, the heads of four of them had been already removed from their bodies, as if they had been guillotined. The bodies are now exhibited in the Gaziantep Museum (Figs. 1 & 2).

On 2 July 1992, museum archaeologists were warned about another illegal dig and arrived on the scene to find a tunnel large enough for a person to get through. At the other end of the tunnel they reached a building of Roman date (end of the second century AD) and on the floor they





Figure 3. Mosaic depicting the wedding of Dionysos and Ariadne.



Figure 4. Mosaic depicting Deianira and Nessos.



found an extremely well-preserved mosaic. This mosaic, measuring  $3.25 \times 1.45$  m, depicted the wedding of Dionysos and Ariadne — a feast scene in which half-naked gods and goddesses were shown drinking to a musical accompaniment (Fig. 3). The artist who made this mosaic took great pains to illustrate the faces, using approximately 400 of the small colored tesserae, but made do with only 225 tesserae for the clothes and 144 for the background. The archaeologists decided to preserve the mosaic on site and it was locked up. Six years went by without incident, until one night thieves appeared, cut out two-thirds of the mosaic and made off with it. Interpol has been searching for it — unsuccessfully — ever since.

Acting on an application from the Turkish Government, in 1993 art theft agents from the New York FBI went to the Fortuna Gallery on Madison Avenue to seize a marble statue of a young man and fragment of garland taken from Aphrodisias, whereupon they noticed a beautiful mosaic from Zeugma. The FBI informed Turkish officials about this mosaic, which told the tragic story of Dionysos' daughter and Heracles' wife Deianira and one of the centaurs, Nessos (Fig. 4). By coincidence, a photograph of the mosaic turned up in the town of Nizip near Zeugma, among the colour prints of a deceased local photographer. Selim Dere, owner of the Fortuna Gallery, along with his cousin Aziz Dere, had already, some years earlier, played an important part in smuggling out of Turkey a marble sarcophagus depicting the twelve labours of Hercules. This had been found in Perge and was sliced up for smuggling. A few years after being arrested by Turkish police Selim Dere migrated to New York, where he opened an antiques shop. His cousin settled in Canada. The current location of this mosaic is unknown.

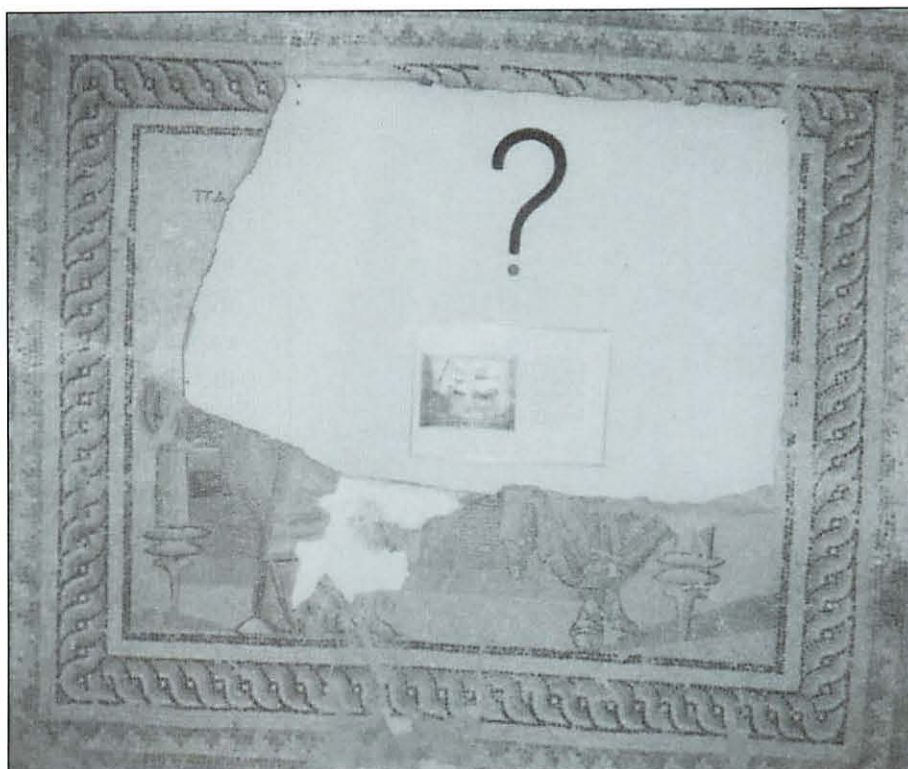


Figure 5. Vandalized mosaic discovered in 1993.

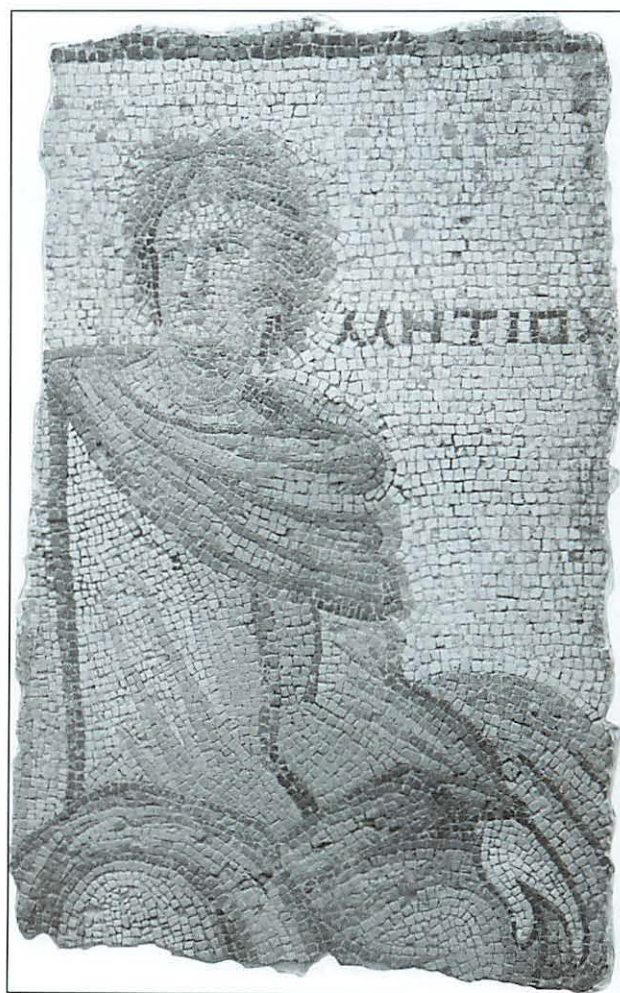


Figure 6. Mosaic fragment depicting Metiochus.





Figure 7. Mosaic fragment depicting Parthenope.



Figure 8. Zeugma's Mona Lisa.

In September 1993, Professor David Kennedy of the University of Western Australia, who worked for one summer in Zeugma, found another tunnel left by looters. Excavations revealed a 2.5 metre square mosaic, from the middle of which the heads of two figures, one man and one woman, had been previously cut out and removed (Fig. 5). Then, in 1998, Canadian mosaic expert Sheila Campbell spotted two mosaics of the eternal lovers, Parthenope and Metiochos, known as the Romeo and Juliet of the ancient world, in the M  nil Collection of Rice University in Houston, Texas (Figs. 6 & 7). She established that they were missing pieces of the mosaic found in Kennedy's excavation. The matter was put into the hands of the Turkish Government and Bernard Davezac, Director of the M  nil Collection. Both mosaics were returned to Gaziantep Museum on 19 June 2000 where experts are now restoring them prior to exhibition.

Finally, two years ago, in a rescue excavation, archaeologists found a piece of mosaic that has come to be known as *Zeugma's Mona Lisa* or the so-called *Gypsy Girl*. (Although some archaeologists think rather than a woman, it is a portrait of Alexander the Great.) Unfortunately, smugglers had already plundered pieces from around what has become the symbol of the rescue operations at Zeugma (Fig. 8).

  ZGEN ACAR  
Cumhuriyet Newspaper  
Atat  rk Bulvarı 125/4  
Ankara 06640  
Turkey



## In the News

JENNY DOOLE

### Asian art

*News and quotes about Asian Art, as London geared up for Asian Art week:*

- *Antiques Trade Gazette* (16 Sept.) wonders if continued **pressure from China** to repatriate items will lead to an **increased focus on Southeast Asian** material.
- **Colin Sheaf**, Head of Asian art at Phillips auction house, says that such a quantity of jade objects are now being **faked** that an early **provenance is 'worth everything'** (*The Art Newspaper*, Nov. 2000) He also comments that unprovenanced early material does not sell well, and that 'little recently excavated material is sold at auction' (as one would hope!)
- It is reported (*The Art Newspaper*, Nov. 2000) that as many as **three quarters of all ceramics** fresh on the market in **Hong Kong** may be **fake**. The best fakes apparently come from **Jingdezhen**, in Jiagnxi province where forgers, who are said to work to order from old Sotheby's catalogues, have access to deposits of high-grade kaolin, identical to that used for Song, Ming and Quing porcelain. It is rumoured that now even expensive **thermoluminescence testing**, to check authenticity, can be pointless since fakes have been **injected with radioactive material**.
- Pre-eminent oriental art dealer **Robert Ellsworth** told *The Art Newspaper* (Nov.) that due to worries over the trade in illicit material **provenance is now worth one-third of the price** of an item, especially if it is Asian. But according to Ellsworth, the number of clients keenly concerned about provenance is less than would be imagined, unless they want to donate the object to a major institution in which case it would require **sound documentation**. He adds that if all 'so-

called plundered' material were repatriated '**neglect would destroy 90 per cent** of what was returned' although Mr Ellsworth gives no indication as to how he arrives at this percentage. He concludes that 'It's the balance of interest in art, commitment to art and the donating of art that outweighs all the trash written about smuggling and raiding'.

### Chinese arrest

*September:* In China, Wang Haijun and his accomplices were arrested for looting the Song Dynasty (1065) period **cave temple of Qianfudong**, Huanglin County, Shanxi Province in May. During the raid the group is alleged to have tied up watchmen, and chiselled the heads off 89 of the thousand or more **Buddha statues** at the site, in the process damaging many more. The heads had not yet been sold when the culprits were arrested.

### Soundbites

- Volume 1 of a new journal, *Public Archaeology* (James & James [Science Publishers Ltd] London), has published a dialogue between Professor **Susan Keech McIntosh** of Rice University, Houston and Professor **Colin Renfrew**, McDonald Institute for Archaeological Research, Cambridge on the subject of the '**Good Collector**'. In a response, **Steven Vincent** of *Art & Auction* magazine argues that suppressing the antiquities trade is no answer.
- **James Ede**, chairman of the Antiquities Dealers Association, UK, argues (*Museums Journal* Sept. 2000) that *Stealing History*, a report commissioned by the Museums Association and ICOM UK has got its **arguments wrong**. He suggests that it presents a **one-dimensional argument** about collecting which has fatal flaws, takes issue with figures quoted, and concludes that UK museums should follow stringent rules for



acquisition, but should not allow paranoia to stop them fulfilling their proper functions.

- Leading antiquities fair '**Cultura**' which took place in **Basel, Switzerland** in October, published a statement by board member, Professor **Peter Blome**, Director of the Basel Museum of Ancient Art and Ludwig Collection, explaining that since the collecting of classical antiquities has recently become an area of such politically charged debate, the fair has sought close co-operation with the **Art Loss Register** in London, during the vetting days preceding the sale. All art objects above a given value were **automatically searched** (see *Editorial*).
- In the Sept./Oct. edition of his magazine, *Minerva*, dealer **Jerome Eisenberg** re-states his longheld view that '**huge quantities** of unseen and unpublished antiquities sit in the store rooms of Mediterranean museums, . . . slowly **disintegrating** through either, or both, neglect or lack of proper storage conditions.' He urges that they should be catalogued and duplicate objects from **collections sold** to raise funds and create new supplies of licit antiquities. In a private letter to Eisenberg, not intended for publication, **Neil Brodie** of the Illicit Antiquities Research Centre, had argued that from his experience of Greek museums, this description may not be accurate.
- Major General **Roberto Conforti**, head of the Italian Carabinieri's Protection of National Heritage Squad, **criticized the lack of controls** on works of stolen art in **Britain**. In London to give evidence to the House of Commons Culture, Media and Sport Select Committee's enquiry into the illicit trade in works of art and antiquities he told *The Evening Standard* (23 May 2000) that around **half of all the stolen pieces** his squad are seeking either end up in **London**, or have passed through before being sold. He said that British **legislation is 'permissive**, or anyhow "lacunose"', adding that the origins

of many objects for sale is 'for British law an almost irrelevant detail', that Scotland Yard was not properly equipped to tackle the illicit trade, and that auction houses had become a channel for stolen goods through which they could be 'laundered' and put back on the market with 'impunity'.

- *Antiques Trade Gazette* (5–12 Aug. 2000) notes that **political pressure** on the antiquities trade, at least in the UK, only serves to **drive it to Switzerland** and the USA.



## Persian seizure

- The mummy of an **ancient Persian princess**, lying in a wooden and gold sarcophagus and dressed in full burial regalia was seized by police from a house in **Quetta, Pakistan** following a tip-off. The owner of the house, **Sardar Wali Mohammad Reeki**, is now in custody and told police he received the mummy from Haji Sharif Bakji (now wanted for questioning), who may be Iranian and claimed he found it in a damaged house after an earthquake in **Kharan, Balochistan**. The pair had apparently received an offer of 60 million rupees (\$1.1 million) for the mummy, although they were asking as much as 600 million rupees. Described by scholars as unique, the mummy is likely to have been stolen from one of the tombs in the areas of **Gyan, Kurh Dam, Da-u-Dakhtar, or Hamadan (Iran)** or come from the Kharan region itself, where looting of burial mounds is rife. Experts are struggling to date the princess who was apparently about 18 at the time of death. Although all features suggest an ancient **Egyptian origin**, inscriptions on the sarcophagus are in cuneiform. According to inscriptions on her gold chest plate, she may have been from the ancient **Persian dynasty of Khamam-ul-Nishiyan** (established in 600 BC) leading to speculation that she might have been the Egyptian wife of a Persian prince whose body was preserved and buried in accordance with the



customs and rites of her native country.

The mummy is now in Karachi National Museum in Pakistan, but a **custody battle** has begun between Pakistan, Iran and Afghanistan, who claim the mummy must have been looted from their territory during the protracted war.



## West African news

- A *Sunday Times* investigation (4 June 2000) reports that **West African antiquities**, including tribal crowns, carvings and terracottas are arriving on the market in London in such **quantities** that artefacts that would have fetched £30,000 a decade ago are now on sale for a **tenth of the price**. It found that **organized gangs** with up to 1000 workers have systematically dug up **dozens of protected sites** to satisfy demand in Europe. The **Nigerian High Commission has complained** about the number of goods without provenance being sold openly by auction houses and dealers.

During the investigation, **Michael Telfer-Smollett**, a London dealer in African art sold to the *Sunday Times* for £275 a **Yoruba tribal crown** which Nigerian officials say would have been **banned from export**. He said most of his African material was brought to him by Africans by the bagful and added 'I don't believe the crown was smuggled, but **it's impossible to check**. It's up to the authorities in Nigeria to check it before it comes out'.

- Distinguished Nigerian specialist, **Frank Willet** has reluctantly urged that looted and stolen artefacts should **no longer be returned to Nigeria**, because of corruption in the country. He says that corrupt officials are exploiting their cultural heritage by allowing its **illicit export to dealers and collectors** in the West, and cites **thefts** in recent years from museums at Abadan, Abeokuta, Esie, Jos and Owo.
- Controversy continues concerning the **Lou-**

**vre's** decision to exhibit two recently purchased **Nok terracottas** in their new gallery for art from Africa, Asia, Oceania and the Americas (see In the News *CWC* Issue 6), opened by **President Chirac** in April. *The Art Newspaper* (June) reports that, according to an unpublished account by an official in the **Nigerian National Commission for Museums and Monuments**, President Chirac first approached the then Nigerian president, seeking approval to buy the pieces (on sale in **Brussels** for a reported \$360,000 2 years ago). Approval was not forthcoming since the Commission believed such a deal would 'confer legality . . . and encourage further looting'. Apparently, in May 1999 President Chirac raised the matter again with the **new Nigerian government**; the National Commission's reservations were overturned and an agreement reached whereby the French would **acquire the pieces** (and one other Sokoto sculpture) with government blessing in return for **technical assistance to Nigerian museums**. The Nigerian president presented them personally when the deal was signed in February.

However, in April, the **Nigerian embassy** in Paris **issued a statement** which referred to the Nok pieces in the Louvre, warned 'individuals or groups against the purchase, sale or export' of such items, explaining that sale, export or transfer **violates various Nigerian laws** and has been condemned by ICOM (see In The New *CWC* Issue 6). Following fresh controversy over the case, generated by archaeologist Lord Renfrew's comments that Chirac had displayed a 'dishonourable attitude', Nigeria's ambassador to Paris, Abiodun Aina, has denied that his government reached an agreement with France and called for the pieces to be repatriated. The case is now being investigated by art crime specialists in the French police.

The Louvre has emphasized that it had no role in the acquisition of the contested statues.





## Internet concerns

- In response to outrage from members over **internet auctions of antiquities**, the **Society for American Archaeology**, **Society for Historical Archaeology**, and **American Anthropological Association** sent a letter in July to **Amazon.com** and **eBay.com** (the Internet auction giant) detailing serious concerns about such sales, and asking they cease. The letter argues that it has long been clear that the commercial market for antiquities is the primary stimulus for looting of archaeological sites worldwide, emphasizes the importance of context and provenance, and describes the destruction that looting entails. It goes on to explain that the Internet sale of antiquities has **vastly increased** the number of people who can engage with the market, and highlights the difficulties surrounding the legal status of antiquities and determining authenticity. Interested organisations and individuals were also encouraged to **send similar letters**.
- *July*: The auction of a **piece of stone** (with more to follow), purported to have been chipped from the limestone casing of the **Great Pyramid of Cheops**, Egypt, was **halted by eBay** after experts questioned the legality of the sale and whether the item was genuine. The seller, 'brsteve', claimed he had taken the piece when it was still possible to climb the Pyramid and that it would look great made into a pendant. As bidding reached \$42.99 (from a starting point of \$10.00), Director of Antiquities for the Pyramids, Zahi Hawass, claimed the offer was a **hoax**, insisting that the Pyramids are too heavily guarded for anyone to break off a piece, and that international agreements would prevent the sale of such a souvenir. An eBay spokesman admitted that they believed that it would be **illegal to sell** the item and were consulting with the **US State Department** as a matter of course.
- Six claimants from California have won the

first round in a **legal fight against eBay**, which may have important implications. They say the sports memorabilia they bought via the site proved to be **fake** and argue that eBay should ensure that only legitimate goods are sold on the site. eBay argues that it acts **only as a sales forum** and cannot be held responsible for fraudulent transactions.



## International conventions and treaties

- An Agreement, signed by the **US and Nicaraguan governments** providing **US import restrictions** on pre-Columbian cultural material from Nicaragua, went into effect on **26 October**, following an exchange of diplomatic notes. Classes of object subject to restriction include pre-Columbian archaeological material from 8000 BC to AD 1550, which may enter the US if accompanied by an export permit issued by the Government of Nicaragua, or documentation that items left Nicaragua prior to 26 October 2000.
- The **Japanese government** is considering the possibility of signing up to the **1970 UNESCO Convention**. 91 States are now party to the Convention, but **Lyndel Prott**, director of the International Standards Section of UNESCO's Cultural Heritage Division emphasized the importance of getting major art trading nations like **Japan, UK and Switzerland** to sign.
- Negotiations, begun in 1998, continue between **China's Cultural Relics Bureau and the US government** to finalize a **bilateral agreement** to reduce smuggling and facilitate seizure and repatriation of Chinese cultural material. Previous bi-lateral treaties have restricted the import into the USA of archaeological or ethnological material from countries such as El Salvador, Guatemala, Canada, Mali Cyprus and Cambodia, but it would appear that the Chinese are aiming for a more ambitious agreement which



would include **further conditions** of the 1970 UNESCO Convention. The **US Embassy** has offered to **recommend legal experts** to assist the Bureau. There are also issues as to whether the Foreign Affairs Department of the Cultural Relics Bureau, which **maintains close ties with auction houses**, dealers and museums, is the best department to be responsible for monitoring the illicit trade in antiquities.

- *Paris, November:* UNESCO hosted a meeting of international experts on the trade in illicit cultural material to mark the 30th anniversary of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.



## Media activity

- US television station **PBS** has announced that in future they will **address looting issues** and current laws governing collection and importation of archaeological artefacts both **on air and on their Web site**. The statement follows complaints from archaeologists after archaeological objects, including a pre-Hispanic pot from Colombia, were **appraised and valued** in a February broadcast of their show *Antiques Roadshow*, but no mention was made of looting or the legal situation.
- On 27 June **BBC Radio Four's 'File on Four'** investigated the illicit trade in antiquities. During the half hour broadcast, journalist Jolyon Jenkins investigated looting of archaeological sites, thefts from museums, smuggling routes, connections with the drugs trade, and problems of repatriation. The programme covered a lot of ground and featured **case studies from all over the world**, including a looted Mycenaean cemetery, the Corinth Museum robbery (see In the News Issues 5 & 6), the Salisbury Hoard, Apulian vases, the Elmalı hoard, looting in the Petén, and the situa-

tion in Nigeria. Among those **interviewed** were James Ede, Ricardo Elia, Jerome Eisenberg, Greek police and archaeologists, Özgen Acar, Howard Speigler, Dick Ellis, Ian Graham, Patrick Darling, Frank Willet, Colin Renfrew and Joanna Van Der Lande of the Antiquities Dealers Association. Jenkins concluded by asking whether 'codes of behaviour based on trust and honour are adequate' to regulate today's trade in antiquities.

- In an article on the **temples of Angkor** in the August edition of *National Geographic* magazine, Douglas Preston reports that more **destruction has been caused by looting** than by war to the Khmer monuments of **Cambodia**. At the complex of Angkor Wat, he found that scarcely a freestanding statue retains its head, while many statues have disappeared completely. Since managers at Angkor mobilized a **security force**, a first for a World Heritage Site, guards have helped reduce theft but looters have transferred their activities to more remote sites such as **Banteay Chmar** near the Thai border (See In the News *CWC* Issues 4, 5 & 6). Preston describes arriving at Banteay Chmar to find a section of the south wall, previously covered with bas-reliefs of a battle, **freshly destroyed** and the area littered with broken stone. The looters had apparently only just left the scene, and a local hermit informed him that 15–20 soldiers from the local post came everyday, sometimes working through the night. (Shortly after his visit Thai authorities impounded a truck carrying 117 blocks of looted relief from Banteay Chmar, see In The News *CWC* Issues 5 & 6.)



## Smugglers foiled

- In July **Egyptian police** thwarted an attempt led by a **former police officer** to smuggle abroad **Greek–Roman era artefacts**, including a statue of Aphrodite.
- *August, Egypt:* After an operation lasting



four months, **police in Cairo** foiled an attempt to smuggle \$20 million worth of Islamic antiquities to the United States. **Taha Abdou Ghanem**, owner of a chain of antiques shops, was arrested in Alexandria loading some 100 pieces into a ship about to sail to **Houston**, their ultimate destination being a **Dallas-based firm**.

- In an attempt to stem the trafficking of antiquities through airports and at borders, an archaeologist and art historian have been **employed to work with customs officials at Lima airport, Peru**. In their first two weeks they **confiscated 13 pre-Columbian items** — clearly a small fraction of what is leaving the country. One departing tourist said he had no idea the 800-year-old Chimú pot he was carrying was real.
- *August*: Acting on a tip-off, archaeologists alerted customs officials at the port of **Haifa**, who intercepted a **container load of dozens of crates** packed with antiquities, including ancient coins, pottery, bronzes and small statues looted from archaeological excavations around Israel. The objects ranged in date from Canaanite to Early Arab Periods (3000 BC–AD 1000). The shipment, believed to be one of the largest ever detected in Israel, was apparently destined for the **market in the US**. Amin Ganor, Head of the Antiquities Authority Unit for the Prevention of Theft of Antiquities said the owner of the container — a former antiquities dealer — lives abroad, is known to Unit and is under surveillance.

## New laws in Israel?

Israel is the only country in the Middle East that allows merchants, under license, to trade in antiquities. Archaeologists and Israeli lawmakers are working to rewrite laws with the aim of **shutting down this trade**.

- In October, UK Customs seized some 10,000

Greek and Roman coins from a Bulgarian man at Gatwick airport. The suspect was travelling to Orlando, Florida and also carrying steroids.

- In November a man en route to the USA was detained by police at Sofia airport, Bulgaria, carrying thousands of ancient coins and other artefacts including: 1312 silver, 107 gold and 424 bronze Greek, Macedonian, Roman and Byzantine coins; 9 ancient bronze statues; 16 Thracian rings and 8 brooches. It was their most valuable seizure ever, and contained some items of extreme rarity.

## Harappan discovery

*May*: A farmer near the village of Mandi, **Uttar Pradesh**, discovered the largest collection of **Harappan jewellery** ever found in India under a mound of earth, but it was quickly **looted by locals**. Officials, who now have the site under armed guard, were able to **salvage 10 kg** of gold jewellery from the 3 tonne hoard, along with pottery and burnt brick. A **reward** has been offered to villagers to get looted artefacts back, since archaeologists believe they will be **sold on the open market and melted down**. No-one has yet come forward. The find indicates that the Harappan empire was much bigger than previously thought and that for some reason the Harappans had begun moving from their northern territories.

## Recent returns

- **Australian Federal Police** have returned to **Greece 31 ancient vases** and 2 Byzantine icons with an estimated value of \$2.2 million. They were discovered during a **drugs smuggling investigation**, in properties owned by **Peter Pylarinos**, who was jailed for drug-related offences. The vases were excavated during the construction of the new Athens subway, and mainly consist of fifth-century BC lekythoi, or oil vessels. They were



awaiting conservation when they were **stolen by night**, in January 1994. Pylarinos has not said how he came into possession of the artefacts.

- An **ancient carved skull and conch shell**, dating to the Mixtec culture, were officially **returned to the Mexican Ambassador** to the United States, at a ceremony held at the Seattle Museum of Art in July. The antiquities (along with **932 other pre-Columbian artefacts**) were seized from the home of collector and looter **Frank Stegmeier** during a sting by Seattle Customs in 1994. Stegmeier, an ex-cop who travelled frequently to Central and South America, sold the items for \$160,000 to a customs agent posing as an art buyer. They were seized on the grounds of violation of federal smuggling statutes and the National Stolen Property Act, which prohibits the transportation and sale of stolen items valued at more than \$5000. Stegmeier eventually received 41 months in jail on various other charges, as part of a plea bargain which required him to return the skull and shell. He insists that the other 932 pieces are his and their status is presently uncertain.
- *Washington DC, June:* **US Customs Service** commissioner Raymond Kelly ceremonially handed over **4 ancient ceramic artefacts to the Italian Ambassador** to the US. They were among **230 pieces recovered** by Customs agents after an investigation into **David Holland Swingler** of Laguna Hills, California. Swingler who, it emerged, was actively engaged in smuggling antiquities from Italy using a pasta import company as cover, was **sentenced by an Italian Court (in absentia)** to 4 years in jail, and fined 12 million lire, has not been prosecuted in the US.
- Objects from the cache, including amphorae, vases, terracotta statues and other items, were among **900 smuggled artefacts** (recovered from the **USA and Europe**, with the help of US customs agents in **Los Ange-**

**les and Atlanta**), displayed by police in Rome in October. They will be put on permanent display in museums in southern and central regions of Puglia and Lazio, near the sites from which they were looted.

## Sotheby's denial

Also among the objects displayed in Rome (see above) was a fifth-century BC **Etruscan cup** depicting a satyr clad in a lion skin which had passed through Sotheby's in 1995. A spokesman for Sotheby's denied that the auction house had been negligent in selling the cup in a London sale when it emerged that the piece had been stolen from a museum storeroom in **Tivoli** during a raid in 1994. It had been found during excavations of an Etruscan cemetery at **Poggio Sommavilla** near Rieti, in Lazio, in the late 1980s. Sotheby's bought the piece 'in good faith' at an **antiquities sale**, and sold it on to a German collector for \$43,000.

## Political concerns

- The appointment, in August, of prominent antiquities collector and archaeological benefactor (see In The News *CWC* Issue 6) **Shelby White** to the US President's **Cultural Property Advisory Committee** has shocked and horrified many archaeologists in America. Nancy Wilkie, president of the Archaeological Institute of America, who believed they had successfully lobbied against White's appointment, described the situation as '**like putting a fox in charge of the chicken coop**' (*New York Times*, 15 August). The 11-member committee reviews and advises the president on import restrictions on cultural patrimony that has been pillaged, and comprises scholars, dealers, collectors and members of the public. White's appointment was sponsored by **Senator Daniel Moynihan** (New York, Democrat) and supported by eminent academics (many from institutions which White and her husband,



financier Leon Levy, have funded) like **Katherine Lee Reid**, president of the Association of Art Museum Directors and Director of the Cleveland Museum, and **Glen Bowersock**, Professor of Ancient History at the Institute for Advanced Study in Princeton. White, whose extensive collections include the top half of the **Weary Herakles and the Icklingham Bronzes**, has adamantly insisted that critics have not been able to prove that she owns looted art and, following strong criticism of her appointment in the *Wall Street Journal*, argued that legislation calls for representation from a diverse viewpoint, not just archaeologists on the committee. Her appointment has been interpreted as Bill Clinton's thanks for Senator Moynihan's support for Hilary Clinton's New York election campaign. Senator Moynihan **strongly opposed** the implementing bill for the Cultural Property Advisory Committee and is described as 'a battering ram in Washington for Wall Street and for the financial executives who collect art and serve as museums trustees' (*The Art Newspaper* September 2000).

- Meanwhile, archaeological and preservation communities in America, supported by similar organizations worldwide have been fighting to defeat a bill introduced in the US Senate (**S. 1696: The Cultural Property Procedural Reform Act**) by Senator **Moynihan**, with the support of Senator Charles Schumer (New York, Democrat). If passed, it is argued, this bill would weaken the Cultural Property Implementation Act (CCPIA, passed in 1982) to the point of repealing it. Senator Moynihan felt that **changes were needed** because of a recent 'proliferation' of import restrictions granted by the US to other countries, but made particular note of **Italy's request** for such an agreement, which has been vehemently opposed by the Senator and the trade (see In The News and Editorial *CWC* Issue 5). Bill S.1696 would, according to the Archaeological Institute of America, 'inhibit the US's

ability to enter into agreements with foreign nations to restrict the flow of undocumented antiquities, create a bureaucratic nightmare, and leave the CCPIA unable to carry out the purposes for which it was intended'. Lobbying became a **matter of urgency** when an effort was made to attach a version of the Bill to a trade bill in the final days of Congress, so that it would be passed as part of a package and its **passage assured**.

- An **Advisory Panel**, set up by the **British Government** (see Editorial p. 4) has begun work examining the **illicit antiquities trade**. Headed by legal authority Professor **Norman Palmer** and comprising of a **range of experts** including representatives for the trade, archaeologists and museums, the panel is due to report in November to the Department for Culture Media and Sport, advising whether the UK should sign the 1970 UNESCO Convention and the 1995 Unidroit Convention. A government **inter-departmental committee** will then consider their findings.
- 25 July saw the publication of the House of Commons **Select Committee** for Culture, Media and Sport's **report on repatriation and the illicit trade**. During the course of its enquiry the Committee heard evidence from 47 experts, received submissions from more than 60 institutions, visited Greece, Italy, the British Museum and Scotland Yard, and reviewed a wide range of issues (see Editorial p. 4).



## Romanian treasure hunters

Efforts by archaeologists in central Romania to investigate remains of the ancient **Dacian culture** are being hampered by **illicit treasure hunters**, who have apparently become active in the region over the last five years because of lenient legislation. Illegal metal detectorists, searching for Dacian gold, are reported to have recovered nearly 350 kg of



**weaponry and everyday objects** which they then abandon near the site of excavation. Archaeologist Professor **Ioan Glodariu**, says the looters have unearthed around **2000 kosons** (Dacian gold coins) and so many are now entering the market, **across Europe** from Budapest to Paris, that their sale price is constantly declining. He suggests that helicopters should scatter buckshot or other metal across sites to confuse metal detector readings. According to Romanian law archaeological material belongs to the State and, if caught, offenders are fined the equivalent of \$100.

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 We are always pleased to receive relevant press clippings and news items.

## Site looting and the illicit trade of archaeological objects in Andalusia, Spain

SILVIA FERNÁNDEZ CACHO &  
 LEONARDO GARCÍA SANJUÁN

### Legal framework

The existence of a well-established legal deterrent to the looting of archaeological sites in Spain dates back only to 1985, when the *Ley del Patrimonio Histórico Español* (Law of the Spanish Historical Heritage) was promulgated. This piece of legislation defines rather generally the plundering of an archaeological site as 'any action or omission putting at risk any of the

properties that integrate the Spanish Historical Heritage' (Art. 3). It does not make, therefore, any particular distinction between looting driven by an interest in illicit trade or damage caused to an archaeological site by any other activity (building developments etc.). An interesting contribution of this definition was the introduction, for the first time, of the notion that an *omission of action* may be potentially as damaging (and as illegal) as a direct action of looting (Querol & Martínez 1996, 247).

Since the transfer in the early 1980s of all responsibilities in cultural resource management from the Spanish central government to the regional authorities, the relevant law in Andalusia has been the *Ley de Patrimonio Histórico de Andalucía* (Law of the Historical Heritage of Andalusia), passed by the regional parliament in July 1991. Compared to the 1985 national law,



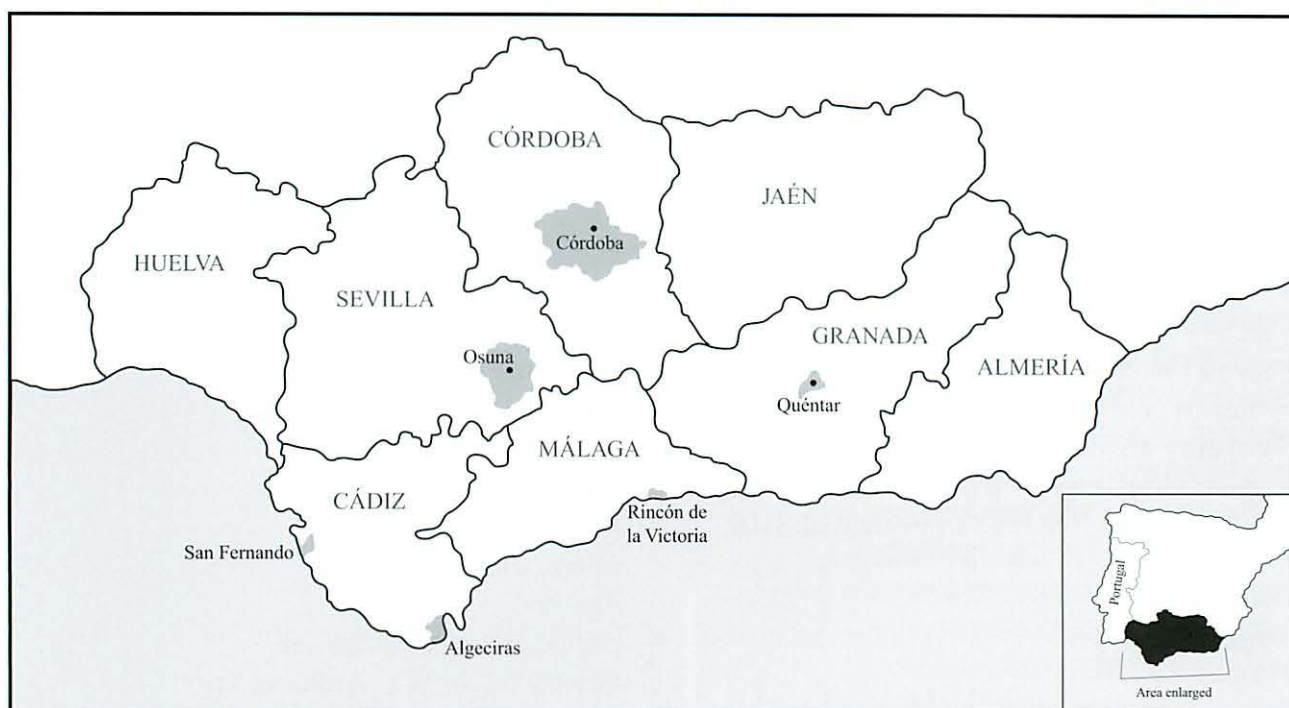


Figure 1. Place and site names mentioned in text.

**Table 1.** Main causes of damage to archaeological sites. (Source: IAPH.)

Total number of sites	12,725
Total number of undamaged sites	4441
<i>Number of sites damaged by:</i>	
Mining and quarrying	197
Herding	28
Deep-ploughing	860
Surface-ploughing	3034
Terracing	182
Hill-flattening	142
Dredging	24
Looting	1805
Forestry	212
Industrial use	14
Private building	492
Major public works	530
Irrigation agriculture	117
Military use	15
Visits	30
Other	527

this regional law does not broaden any further the definition of the notion of looting. It does, however, establish a list of infringements hierarchically ordered as ‘very serious, serious, or less serious’. Among the ‘very serious’ infractions are those causing irreversible damage to cultural properties recorded in the general catalogue of the Andalusian heritage. This general catalogue is proposed in Art. 111 as an essential tool for heritage protection. The rate of inclusion of the regional archaeological resources within this pro-

tected list is, however, quite slow, and currently it contains only 8.5 per cent of all archaeological sites documented in the region. Infringements such as ‘the utilisation of metal-detecting devices without authorisation’ (Art. 133) are regarded as ‘less serious’, involving fines of up to 10 million ptas. (approx. 60,000 Euros) ‘but in any case never less than the profit made by the offender as a result of his/her infraction’ (Art.177).

The specific problem of the ‘seriousness’ of the damage caused to the archaeological record by the offender had not been addressed as such by the 1985 Spanish Heritage law and, therefore, the Andalusian bill represented a major conceptual advance. The application of these legal precepts, however, remains problematical insofar as judges have consistently demanded evidence of the offenders being caught *in flagranti* (Rodríguez 2000, 39). Other problems with the implementation of the protective measures contemplated in the 1991 Andalusian Heritage law have derived from the inability and/or lack of interest of town councils to engage in a more pro-active role as agencies of heritage protection, as explicitly stated by the law. A good example is the city council of the small town of Quénar (Granada: see Fig. 1), which in August 1997 complained bitterly in the media of the constant damage caused by looters (some locals among them) to the rich archaeological heritage



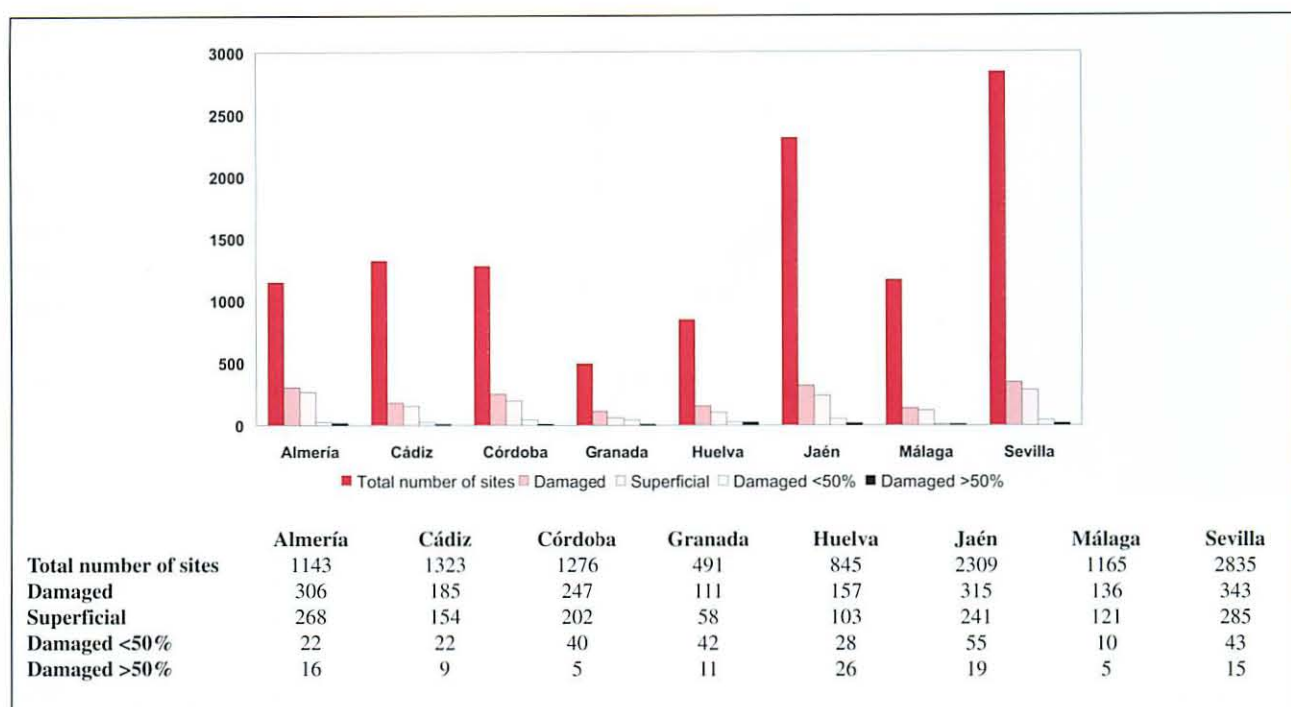


Figure 2. Looted sites by province. (Source: IAPH.)

of its municipality. This council lacked the resources (staff, funding) to prevent archaeological looting as was their wish (*Ideal* August 22nd 1997). In other, more unfortunate cases, city councils treating their archaeological heritage as a second- or third-rate priority within their development programmes have caused serious problems to the conservation of archaeological sites. This was for example the case of the municipality of Rincón de La Victoria (Málaga: Fig. 1), which in April 1995 went ahead with the construction of 600 new dwellings in the vicinity of Cueva del Tesoro, an archaeological site catalogued as *Bien de Interés Cultural* (a legal category that grants additional planning and administrative protection to sites of special value), thus causing a serious conflict with the regional cultural authorities (*El País* April 27th 1995).

### Looting in numbers and cases

Data available from the *ARQUEOS* data base, developed and maintained by the Documentation Centre of the Andalusian Institute of the Historical Heritage (IAPH) (Fernández *et al.* 2000), suggest that at least 65.1 per cent of all archaeological sites documented in the region to date display some form of alteration derived from contemporary human activities (Table 1). This includes, of course, a wide range of industrial, agricultural and urban land uses. However, 14.2

per cent of sites (1805 sites) have been damaged by market-oriented plundering, which ranks no less than second among all causes of deterioration of the region's archaeological sites. Looting is only preceded by agricultural practices such as deep-ploughing and terracing, which affect 30.7 per cent of sites. The extent of the looting by province (Fig. 2) ranges from 11.1 per cent of all sites in Seville to 26.6 per cent in Granada. Nevertheless, since no systematic analysis of this problem has yet been carried out, these figures must be taken only as indicative — they probably underestimate the real overall effects of looting in the region.

According to available reports, damage caused by robbers and illegal amateur archaeologists seems mostly to affect the surface levels of sites. Only a small minority of sites are reported as *completely destroyed* or *destroyed beyond 50 per cent* of their deposits because of looting. This is, however, a rather small consolation considering that surface plundering — which causes irreversible damage to the upper layers of the stratigraphy — may affect up to almost a third of all sites in some provinces.

Some recent examples of site looting in Andalusia suggest that there is a wide range of situations and circumstances that may lead to an archaeological site being partly destroyed by individuals seeking some kind of profit.





**Figure 3.** Phoenician bronzes recovered after Operación Tartessos. (Source: SEPRONA.)

First, there is the more or less occasional looting caused by people not necessarily involved in organized crime. A rather bizarre case occurred in July 1998 in Algeciras (Cádiz: Fig. 1) when the skull of a child of late-medieval date that had been found in an urban rescue excavation was stolen, probably by a local aficionado, and never found again (*El País* July 11th 1988). In a more lucky instance (and which in fact could hardly be described as looting) in October 1999 the SEPRONA (Service for the Protection of Nature) branch of the Guardia Civil recovered two invaluable Phoenician statuettes that a Huelva fisherman had found off the coast thirty years ago. Unaware of their potential economic value, the man had kept both bronzes in his house as good-luck tokens (Fig. 3) (*Huelva Información* October 20th 1999; *Odiel Información* October 20th 1999; *El País* October 20th 1999; *ABC* October 20th 1999).

A much more serious case (which immediately reached the front page of most local and regional newspapers) took place in August 1997 when the police arrested three people who were sighted destroying the Los Nogales bridge, near Córdoba (*Diario De Córdoba* August 22nd, 23rd, 24th & 25th 1997; *El Correo De Andalucía* August 23rd & 24th 1997; *El País* August 22nd, 23rd & 24th 1997; *Diario* 16 August 24th 1997; *ABC* August 23rd & 24th 1997; *El Mundo* August 22nd & 23rd 1997). This bridge is of outstanding importance and was originally constructed as part of the communication network associated with Medina Azahara, the city built by the Cordovan Caliph Abd al-Rahman III in the tenth century

AD. Together with the city, the bridge enjoys the status of *Bien de Interés Cultural*. In this case, the only purpose of the looters was to supply themselves with cheap stone masonry for the refurbishment of their nearby house. Although they were arrested halfway through the job, the damage caused to the bridge affected 20 per cent of its structure. Paradoxically, the cost of the equivalent stone masonry on the market was estimated in 30,000 ptas (c. 180 Euros), way below the 14 million ptas (c. 84,000 Euros) subsequently budgeted for the restoration of the bridge.

Secondly, a more frequent plundering scenario derives from the systematic activities of individuals or groups of individuals who target archaeological sites as a more or less habitual way of earning a living, or simply to obtain additional income and benefits. In July 1994, a resident of the town of Osuna (Sevilla) was arrested and charged with heritage destruction and illicit trafficking of archaeological objects, of which more than 700 were found in his home, including coins, polished stone axes, bronze artefacts, pottery and architectural elements such as capitals (*El País* July 28th 1994). A similar much-publicized case occurred in February 1995, when a man from San Fernando (Cádiz) was found guilty of systematic and long-term plundering of underwater archaeological sites and charged with a fine of 17 million ptas (c. 102,000 Euros). The police had discovered more than 900 archaeological objects in his home, including amphorae, fragments of sculptures and remains of shipwrecks. The man has ever since claimed his innocence and even defined himself as a 'people's heritage curator' (*Diario De Cadiz* April 15th 2000). But his legal battle against the guilty verdict ended when, in a landmark resolution, his appeal to the Supreme Court was rejected on the grounds that 'his collection of archaeological objects largely exceeded what could be expected from a limited series of random finds resulting from a rightful interest in the Past . . .' (*El País* March 18th 1999).

Thirdly, a higher level of sophistication and organization in the looting of Andalusian archaeological sites has been recently revealed. In September 1999, and after a long investigation



called *Operación Trajano*, the SEPRONA uncovered an internet-based ring for the auctioning of antiquities looted from Andalusian archaeological sites (*El País* September 26th 1999; *El Mundo* September 25th & 26th 1999; *Sevilla Información* September 26th 1999; *ABC* September 26th 1999; *Huelva Información* September 26th 1999; *Odiel Información* September 26th 1999). These internet-based auctions had been held since 1997 from a web site based in San José (California, US) and involved clients from Australia, France, Germany, Canada and Portugal. Three people were arrested and charged in Sevilla and more than 9000 archaeological objects (including c. 5000 coins) were recovered (Figs. 4 & 5). The officers also found sophisticated computer equipment, detailed maps of archaeological sites and high-tech metal detectors. The revelations of this case caused great concern in the local and regional authorities responsible for cultural resource management for they have indeed exposed a new generation of more efficiently organized local looters (Rodríguez 2000). These new generation looters do not operate just locally, but aim their activities at profitable international markets. According to the Guardia Civil reports, up to 80 or 90 per cent of antiquities looted in Andalusia end up in the US, UK and Japan (*Diario de Cádiz* April 15th 2000).

### **The war against looting: information, education and suppression**

The war against the looting of archaeological sites in Andalusia is being fought on three different but equally crucial fronts. The first one is the technical control of the archaeological resources, their location, status and characteristics. On this front, the administration has implemented over the last five years more efficient means to manage, process, update and evaluate the information pertaining to the regional inventory of archaeological sites. This has to some extent involved a more comprehensive archaeological coverage of the territory and, therefore, an enhanced control of the archaeological resources. But more impor-



**Figure 4.** Archaeological objects recovered after *Operación Trajano*. (Source: SEPRONA.)



**Figure 5.** Archaeological objects recovered after *Operación Trajano*. (Source: SEPRONA.)

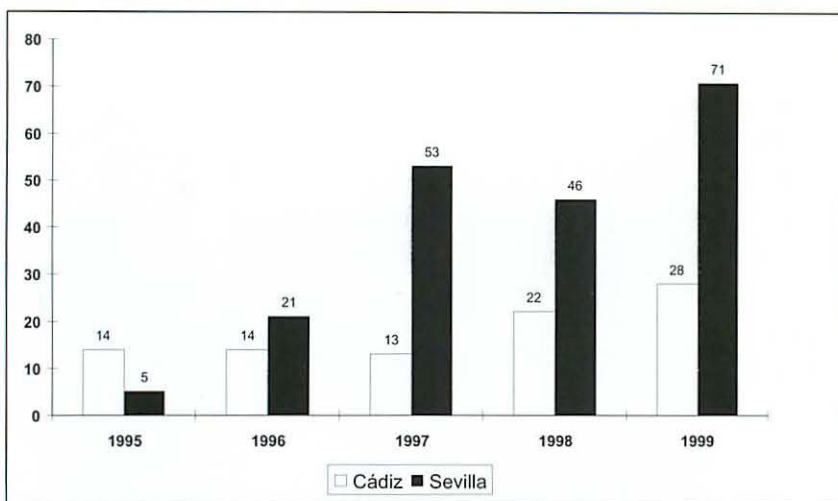
tantly, it has involved the development of new systems to handle the information, with a move from a strictly paper-based system to a GIS-based one (Amores *et al.* 1999; 2000; Fernández *et al.* forthcoming), thus allowing better procedures of data transfer towards those public and private organizations seeking to develop building plans. However, large portions of the regional territory still remain poorly surveyed, and, in the face of rapidly changing patterns of land use, some mechanisms of protection do not seem to work efficiently in stopping the destruction of sites. Hence, further work is badly needed to grant a minimum level of control for all archaeological sites.

The second is, most crucially, educational in nature. Little or no success in the struggle against looting can be expected without public awareness of the finite and exhaustible nature of the archaeological resources as a common herit-



**Table 2.** *The battle against site looting. (Source: SEPRONA.)*

Province	Reports	Atestados (charges for serious offences)	Actas (charges for minor offences)	Total
Almería	0	0	0	0
Algeciras	4	0	0	4
Cádiz	24	0	2	26
Córdoba	86	0	0	86
Granada	2	3	0	5
Huelva	8	0	1	9
Jaén	74	0	0	0
Málaga	7	1	0	8
Sevilla	70	0	0	70
ANDALUSÍA	275	4	3	282
SPAIN	464	39	14	517



**Figure 6.** *Reports handled by the SEPRONA in the provinces of Cádiz and Sevilla.*

age and a source of economic development. The situation in Andalusia is evolving quickly, with increasing interest from the written media and the public and a much higher degree of involvement and participation of local authorities in the dissemination of the archaeological heritage. However, positive as this growth in public awareness may be, it still remains largely insufficient. This is particularly noticeable in the most influential communication medium, TV. In Andalusia, the regional public TV channel has opted for an unchallenged focus on an array of popular folkloric and religious traditions that, according to the official jargon, represent the principles of Andalusian cultural identity. Strangely, the archaeological and historical heritages have so far had no role to play in the construction of this cultural identity. Successful British productions such as *Time Team* or *Meet the Ancestors*, that have contributed so much to rise public awareness about the need to preserve the heritage legacy

in the United Kingdom, are simply unheard of among Spanish TV channels. In fact, as recent reviews have shown, archaeology as such is poorly represented (or not represented at all) on Spanish television at large (Ruiz 1996, 96).

The third front in the battle against looting is, obviously, in the hands of the security forces, namely the National Police and Guardia Civil. Since its creation in 1989 as a unit within the Guardia Civil, the SEPRONA has carried out an increasing number of operations against site looting and illicit trade of antiquities (VVAA 2000). Some spectacular cases, like the recovery of the stolen Medieval codex *Beato de Liébana* received extensive media coverage throughout Spain (Cortés 1997, 20–22). Interestingly, training and specialisation courses in cultural heritage matters have proven extremely successful and highly demanded among the Guardia Civil agents, and not only among those de-

ployed in SEPRONA (*El País* December 16th 1996).

But more to the point of this paper, between 1990 and 1996 the number of operations carried out by SEPRONA at a national level has multiplied fivefold, showing increasing efficiency in the struggle against heritage-related crimes. In Andalusia, this can be exemplified in the province of Sevilla (Fig. 6) where the number of reports investigated has in four years multiplied almost tenfold. Apart from the operations mentioned above, data for 1999 show a total number of 275 reports being investigated in the region (although only 7 were criminal in nature), which represents a total 59.2 per cent of the entire country (Table 2). Interestingly, Andalusia covers about one third of Spanish territory, supporting about 21 per cent of the country's population, which evidently means there must be factors other than merely size or demography to account for that significantly higher proportion of looting reports.



## Concluding remarks

In the southernmost Spanish region of Andalusia, site looting is a serious threat to the conservation of the archaeological heritage for future generations. Despite the lack of long-term and precise series of data, evidence does suggest that the incidence of looting in this region may be significantly higher than in the rest of Spain. More specific heritage legislation and growing awareness among local politicians are increasing the pressure on looters. At the same time, police forces and archaeologists are applying new procedures and techniques which contribute to a better protection against heritage-related crime. However, looters are utilizing more sophisticated technology too. Hence, public awareness in its widest sense becomes a factor of fundamental importance in the struggle against those who seek profit from the destruction of public property of historical or archaeological value. Unfortunately, at the present time the outcome of the battle on this front looks grim: little or no attempt has been made so far by the audiovisual media to present the archaeological heritage as a source of knowledge, education, enjoyment and economic development. Evidently, we archaeologists have a further responsibility to face.

## Note

This report would not have been possible without the kind collaboration and provision of data from the Andalusian Institute of the Historical Heritage (IAPH) and the SEPRONA through the Guardia Civil Press Service.

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- August 24th 1997: Editorial, Destrucción y Expolio
- August 24th 1997: A. Rodríguez, El puente de Los Nogales y la barbarie cordobesa
- August 25th 1997: A. Vallejo, Un cruel atentado contra el Patrimonio Arqueológico



#### *El Correo de Andalucía*

August 23rd 1997: R. Verdú, Las piedras del puente de Córdoba expoliado se usaban para hacer chalés

August 24th 1997: El PP culpa a la consejera Calvo del expolio del puente califal, cuyas piezas han sido recuperadas

#### *El Mundo*

August 22nd 1997: La Junta declara de emergencia las obras en el puente califal dañado

August 22nd 1997: Belmonte, La amenaza salvaje

August 23rd 1997: Los saqueadores del puente califal lo usaban como mampostería de chalés

September 25th 1999: Desarticulan una red que expoliaba restos arqueológicos

September 26th 1999: I. Salvador, Patrimonio andaluz expoliado, a subasta en Internet

#### *El País*

July 28th 1994: La policía interviene en la casa de un anciano en Osuna 700 piezas de un gran valor arqueológico

April 27th 1995: IU y los ecologistas critican el intento de levantar 600 casas en zona arqueológica

August 10th 1995: Jeremías Clemente, La policía detiene a cinco sospechosos de una red de robos arqueológicos

December 16th 1996: T. Constenla, Todo por el arte

August 22nd 1997: Cultura cree que reparar el puente califal de Córdoba costará 14 millones

August 23rd 1997: Detenidos tres individuos por el destrozo del puente califal

August 24th 1997: La policía recupera todas las piezas robadas del puente califal de Córdoba

July 11th 1998: Robado un cráneo del siglo XIV

March 18th 1999: El TSJA ratifica una multa de 17 millones por coger restos arqueológicos

September 26th 1999: Santiago Fuertes, Desarticulada una red que vendía por Internet restos arqueológicos de yacimientos andaluces

October 20th, 1999: F. Arnaiz, El pescador de Historia

#### *Huelva Información*

September 26th 1999: Las piezas antiguas incautadas por la Guardia Civil se guardaban en Almonte

October 20th 1999: E. Ponce, La Guardia Civil recupera en Punta dos estatuillas de la Época de los tartessos.

#### *Ideal*

August 22nd 1997: R. Urrutia, El Ayuntamiento alerta del riesgo de expolio en el yacimiento arqueológico de El Sotillo

#### *Odiel Información*

September 26th 1999: La Guardia Civil recupera 9.000 piezas del expolio de yacimientos

October 20th 1999: M. Ramos, El Museo cuenta con dos nuevos dioses tartessos que encontró un pescador.

#### *Sevilla Información*

September 26th 1999: S. Fernández Madueño, El Museo Arqueológico acogerá 4.000 piezas incautadas por la Guardia Civil

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## **TV review: *On the Trail of the Tomb Robbers* (Channel 10, Sweden)**

JENNY DOOLE

Once in a while a television programme can make such an impression that things actually change. We saw this in the world of illicit antiquities when Peter Watson's 1997 exposé of dodgy dealing at Sotheby's led to a multimillion pound review of the auction house's methods, and to the end of their sales of classical antiquities in London. Now we have seen it again, in Sweden, because in February Swedish television's Channel 10 screened an equally powerful investigation entitled *On the Trail of the Tomb Robbers*. It made an

impact on the general public, dealers and museums, and even the government. Because of the programme, codes of conduct have been drawn up, policies changed, international investigations launched and the Swedish government has begun the process of preparing legislation which would lead to their signing the 1970 UNESCO convention.

The hour-long broadcast was based on the work of graduate student Staffan Lundén of the University of Gothenburg, and produced by Johan Brånstad of Swedish Television. It aired as part of a series, *Striptease*, which generally attracts an audience of 10 per cent of the Swedish population. The broadcast also generated massive coverage elsewhere — particularly in news media where it featured hourly on the radio, and was covered on the main evening television bulletin, as well as in lead articles in major newspapers.



One of the main tenets of the programme was that, since Sweden has not signed the 1970 UNESCO convention, it is not illegal to import or sell there antiquities which have been illegally excavated or exported from their countries of origin. Lundén and Brånstad showed during the course of their documentary what the shocking realities of this situation are, and contrasted it very effectively with the strict restraints the Swedish government has imposed on the destruction of their own archaeological heritage, including the banning of metal detectors under threat of a 4-year prison sentence. They made extensive use of hidden cameras, through which we heard and saw truly astounding indictments from dealers and museum professionals, and also travelled the world to show the destruction looting is causing on the ground in areas like Peru, Italy and Thailand.

### The investigations

#### *Dynasty and the Buddhas*

During a good-natured discussion with a potential buyer, filmed on hidden camera, two dealers from a Swedish firm called *Dynasty* explained exactly how they smuggled Buddhas from Thailand and Burma: in their suitcases. Specializing in wooden Buddhas (since the metal ones would show up on airport security X-ray) they told how 'you stuff them in your bag and hope for the best'. These scenes were juxtaposed with interviews with Thai archaeologists, explaining the significance and importance of such artefacts to Thai history, and with a Thai Buddhist monk at a village temple from which a Buddha had recently been stolen. Such arguments carried little weight for the dealers, who reasoned that although Thai people see these objects as sacred artefacts, to them they are saleable works of art.

The atmosphere became rather less convivial when Swedish Television confronted the dealers and attempted to question them about what they had unknowingly revealed. In a formal response, the *Dynasty* dealers later said they had been attempting to lighten the conversation by joking when referring to smuggling the items they sell.

#### *The ambassador and his collection*

Ulf Lewin (Fig. 1), former Swedish ambassador to Guatemala, Ecuador and, more recently, Peru (until Feb 2000), has been a keen collector of

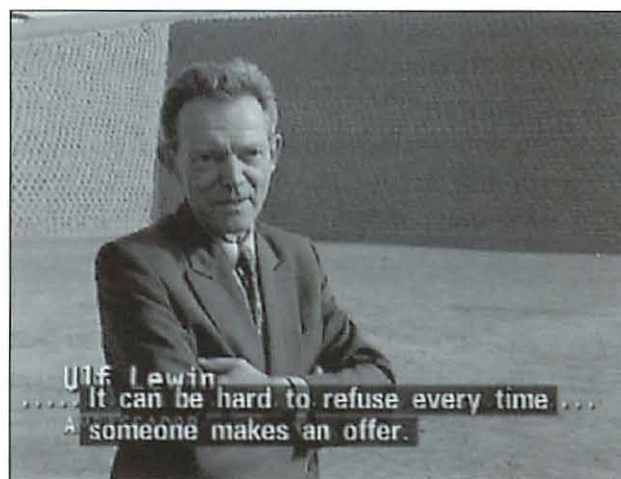


Figure 1. Sweden's ambassador to Peru, Ulf Lewin.

pre-Columbian antiquities for 30 years, and has a genuine interest in South American history. But the programme focused attention on whether he had illegally exported items from his extensive collections for donation and sale to museums and antiquities dealers in Sweden, and whether diplomatic bags had been used to smuggle them out. In question were objects he sold to the Swedish Ethnographic Museum when he was secretary at the Swedish Embassy in Bogota, Colombia during 1968–69. Other objects in salesrooms in Stockholm also came from his collections, according to sales staff, who claimed to have seen Lewin's collections, and remembered them as much larger than the ambassador implied and also recalled Lewin being much keener to sell them for profit than he claimed. Interviews with a clearly flustered Lewin were inter-cut with scenes of Peruvian archaeologist Walter Alva (Fig. 3). Alva took the crew through the looted landscapes of Cerro Cavacho and Sipán (see *CWC* Issue 4), where they filmed countless lunar craters and shattered pots left by looters, who are estimated to have destroyed thousands of ancient graves and evidence. The images showed the reality of what Alva called the 'murder of culture'.

This strand of the investigation sparked an international scandal, with Latin-American media dubbing Lewin the 'looter-ambassador'. Reactions in Sweden from the embassies of Peru, Ecuador and Colombia led to the launch of an enquiry by the Swedish Department of Foreign Affairs into Lewin's alleged smuggling of archaeological artefacts from Colombia. The results of their investigation appeared this summer and concluded that Lewin could not be accused of



any wrong-doing since he had acted as part of his job, with the knowledge and consent of the ambassador, and that he had obtained oral permission from Colombian authorities. The Peruvian authorities, unsatisfied with the report have apparently referred the case to UNESCO, and follow-up interviews were broadcast in November with Colombian archaeologists who considered the report a scandal and denied that permissions had been given. The follow-up also presented letters indicating that two other persons (one now ambassador in another country) at the Swedish embassy in 1970–72 had helped a Swedish national acquire and export archaeological material from Colombia. One of the letters speaks of the problems of associated with arranging transport for a crate of objects which it is illegal to export and another strongly suggests that disrespect for other countries' laws on export of cultural objects was widespread amongst Swedish diplomats.

#### *Museums, unprovenanced antiquities and the government*

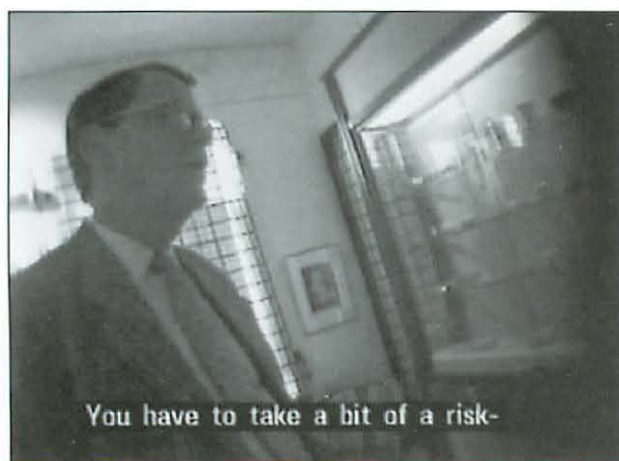
The documentary also addressed the large numbers of unprovenanced antiquities purchased by museums in Sweden, using the case of the Morgantina acroliths (see *CWC* Issue 3) to highlight the controversy and underlying archaeological destruction associated with such acquisitions.

At the private Museum of East Asian Art in the small town of Ulricehamn, the Director's official story of how he acquired artefacts for the collection — from old collections, or sales in Sweden, USA and England — changed significantly when he chatted informally, unaware that

he was being filmed (Fig. 2). He pointed to many items amongst the exhibits and explained how he himself smuggled them from China, using cigarettes and cash as bribes and being careful 'not to buy anything too big to put in his pocket or hand-luggage'. Particularly tricky to get out of the country was the large terracotta funerary horse which took pride of place in the gallery. In response to the programme the Director stated that in his staggeringly indiscrete descriptions of his smuggling activities he could only have been referring to 'a few items that I brought with me by mistake'. The Museum had been proposed for the European Museum of the Year award, but did not win, following the Director's revelations.

At the state Museum of Mediterranean Antiquities the investigators were allowed access to acquisition records and demonstrated that quantities of unprovenanced antiquities were being purchased. They focused on an unprovenanced Apulian fish-plate bought from Sotheby's which was identical to one which they were able to identify in the documents Peter Watson used for his investigation into unethical dealings at the auction house. It emerged that the piece was consigned, along with 20 other items, by Robin Syme's Swiss company in 1983. When confronted with the likely dubious origin of this piece, and asked about the museum's continued purchase of unprovenanced material the museum's spokesperson suggested that 'one has to ignore moral scruples to enrich the collection' and argued that government directives for museum acquisition compelled museums to continue to add to collections by acquiring even unprovenanced material.

When interviewed, however, Marita Ulvskog, Minister for Culture, strongly denied that this was the case. She was less clear cut when it came to the question of Sweden's continued refusal to sign international conventions to protect cultural property saying that, while the Swedish government was in theory keen to sign the 1970 UNESCO Convention, they would only consider doing so when sure they could fulfil the necessary conditions, and preferably when Denmark and Norway do so also. The issue did not seem a high priority and the Minister admitted that it had not been discussed for 30 years. It appears to have become more of a priority in the aftermath of Lundén and Brånstad's exposé, since



**Figure 2.** Director of the Museum of East Asian Art, Ulricehamn, filmed on hidden-camera.

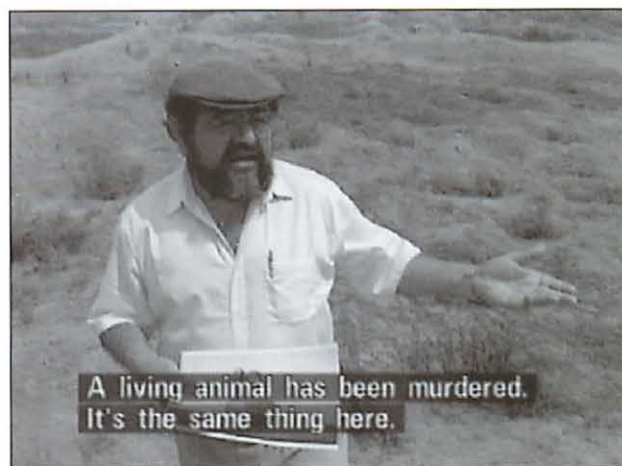


the Department for Culture has indicated that the legislation for signing the UNESCO convention will be put to the Swedish Parliament in Spring 2002, although a decision on UNIDROIT must wait until new laws on good faith purchases are decided.

In the wake of the programme, a temporary ban on acquisitions was imposed on a number of state museums (including the Museum of Mediterranean Antiquities) and a Code of Ethics for museums, based on the ICOM code, was quickly drafted.

### Lasting impressions

Lundén and Brånstad's investigation demonstrates once again the impact that a well-researched and well-crafted media investigation can make. It used such powerful images to get its message across that it is difficult to decide which leaves the most lasting impression. Perhaps it was the sight of the Queen of Sweden opening a new exhibition at the Ulricehamn Museum, unaware that the Director in charge of her welcoming committee had smuggled many of the exhibits from China using the sleaziest of methods. Perhaps it was the contrast between footage of meticulous excavations of Viking metalworking scraps by Swedish archaeologists (who struggle, and are obliged by law, to protect even the poorest objects of Swedish origin) and the images of devastation from other archaeological sites abroad. Or perhaps it was the sight of a Stockholm dealer explaining on hidden-camera that the gouges on the back of a Roman statue (bought from Sotheby's, having been consigned to auc-



**Figure 3.** Peruvian archaeologist Walter Alva at Cerro Caracho.

tion by Giacomo Medici in 1986) were probably made by a mechanical digger when it was illegally excavated by tombrobbers.

For me, however, the most powerful moment was when a Thai Buddhist monk, devastated by the theft of the Buddha statue which was part of his living religion asked, 'These Westerners who are buying our statuettes . . . what on earth do they do with them?'. Cut to the dealers from *Dynasty* explaining that Buddhas are very collectible and particularly saleable to museums, but also to young people: 'They are very trendy'. Thanks to this excellent programme it is to be hoped that more collectors — young or old, institutional or private — will have a clearer idea of the issues surrounding the trade in illicit antiquities and may realize that 'trendy' it isn't.

JENNY DOOLE

Front cover. Zeugma's Mona Lisa.

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ISSN 1464-1925

© 2000 McDonald Institute for Archaeological Research

Printed by BluePrint, 6 Clifton Road, Cambridge CB1 7W6. Tel: +44 (0)1223 472400

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Correspondence relating to all aspects of the legal and illegal trade in antiquities is welcome; we will make an effort to print reasonable, non-libellous letters. No unsigned letters will be printed, but names will be withheld upon request.









# Culture Without Context



The Newsletter of the Illicit Antiquities Research Centre

Issue 8, Spring 2001



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The Illicit Antiquities Research Centre is a project of the McDonald Institute for Archaeological Research



## Illicit Antiquities Research Centre

The Illicit Antiquities Research Centre (IARC) was established in May 1996, under the auspices of the McDonald Institute for Archaeological Research in Cambridge, England, and it commenced operations in October 1997. Its purpose is to monitor and report upon the damage caused to cultural heritage by the international trade in illicit antiquities (i.e. antiquities which have been stolen or clandestinely excavated and illegally exported). The enormous increase in the volume of this trade over the past twenty years has caused the large-scale plundering of archaeological sites and museums around the world. The IARC will raise public awareness of the problems caused by this trade and seek appropriate national and international legislation, codes of conduct and other conventions to place restraint upon it.

*Culture Without Context* is published twice-yearly. The next issue will appear in autumn 2001. Subscription details are available from:

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## Editorial

The cultural heritage of Afghanistan, together with that of its neighbouring countries, has been badly plundered for more than a decade now, but a new nadir was reached in March of this year after the Taliban leader, Mullah Mohammed Omar, ordered the destruction of all religious idols. Taliban soldiers responded promptly by blowing up the two large Buddhas of Bamiyan valley, and it is reported that a further 40 statues were destroyed in Kabul Museum, and many more throughout the country. Although this campaign of destruction was ordered for what are ostensibly religious reasons, seasoned Taliban watchers suspect that the motives may have been more political. It is too soon perhaps to discern the Taliban leader's true intentions in all this, an act of revenge perhaps against the inhabitants of the Bamiyan valley who have long opposed him, or of defiance aimed at those in the West who refuse to offer diplomatic recognition or relax sanctions. One thing is clear though. Afghan leaders of all political and religious persuasions seem shocked that the plight of the Bamiyan Buddhas has attracted more international sympathy than that of their compatriots who continue to suffer the effects of prolonged drought and chronic war.

On page 23 we print the UNESCO response to the destruction of the Bamiyan Buddhas. With the cultural heritage of Afghanistan now at the point of extinction, UNESCO felt impelled to support 'safe-havens' for objects of Afghan origin, such as the Afghanistan Museum in Bubendorf (Switzerland), provided they are donated, and not sold. How effective will this initiative be? Time will tell, but it seems hamstrung from the outset by what is now seen to be the defining feature of the antiquities trade — no provenance. With no documented provenance, who can know whether a particular piece has been removed from Afghanistan or Pakistan, or whether it is fake or genuine?

Some dealers and museum curators have been quick to capitalize on the situation by claiming that their collecting in the past has actually 'saved' Afghan heritage, and that their example should be followed. UNESCO has been careful


to state that it will accept only pieces with documented provenance, but if past experience is anything to go by we can presume that others will not be so discriminating. Yet the Taliban, remember, are destroying material, not selling it. And the Taliban edict applies only to statues which might be considered idols, not to the entire cultural heritage. Unexcavated sites would remain untouched if looters were not searching for saleable material, and anything turning up on the market which has not been stolen from a documented collection will almost certainly have been torn from an archaeological or historic site. These looted pieces are not fugitives from the religious wrath of the Taliban, to be offered sanctuary, but are the sacrificial victims of Western greed. We should remember too that some of the proceeds from looting are used to keep armed militias in the field, or to launder drug money, while most finds its way into the pockets of shady smugglers and middlemen. A dirty business all round.

In any case, the Bamiyan Buddhas had in fact already been 'saved' during the 1970s when Japanese scholars from Kyoto University spent eight years surveying the Buddhist cave temples of the Bamiyan valley and produced a photo-gravimetric map of the entire area, including the giant Buddhas. This work was published in four volumes, with extended English summaries, and, as the expedition leader — Professor Higuchi — said in 1995, in a statement with prophetic overtones, 'As ever more destruction is visited on these caves, the data base created in the 1970s by our work there gives the world fundamental materials that cannot be recaptured or replaced' (*World Archaeology* 27(2), 300). One day, thanks to this work, it might prove possible to install accurate replicas of the Bamiyan Buddhas, so that the damage will, in some sense, be repaired. They will at the very least be a monument to the painstaking work of Professor Higuchi and his colleagues.

In 1995 it was estimated that 70 per cent of the holdings of Kabul Museum had disappeared, and the figure had not improved by March 2001 when it was reported that only 30,000 out of 100,000 artefacts recorded now survive. The destruction of the Bamiyan Buddhas looks set to be the last act in a long tragedy, but there are no heroes in this story, only victims and villains. The




victims are the Afghan people and their heritage. The villains are too many to name.

 On 24 May 2000 H.M. Government appointed a Panel of Enquiry into the illicit trade in art and antiquities. The panel, comprised of archaeologists and representatives of the trade and of museums, was under the chairmanship of Norman Palmer, Professor of Commercial Law at University College London. The Panel met on twelve occasions and took advice from a wide range of experts before publishing its report in December 2000 (available on-line at <<http://www.culture.gov.uk/heritage/index.html>>). Amongst other things, the report recommended that:


- The UK should accede to the 1970 UNESCO *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*.
- It should be a criminal offence to import dishonestly, deal in or be in possession of any cultural object, knowing or believing that the object was stolen, or illegally excavated, or removed from any monument or wreck contrary to local law.
- The current system of export control should be strengthened, and the resources necessary to achieve this be made available.


The significance of these recommendations is amplified when it is remembered that half the panel's members were representatives of the trade and that the recommendations were made unanimously.

In March 2001 the Arts minister Alan Howarth announced that the UK would accede to the 1970 UNESCO Convention, and that H.M. Government was considering the other recommendations made by the Panel. The Panel itself continues to meet as an advisory body.

 Strange things happen in the museum world and some of the stranger happen at the Metropolitan Museum of Art in New York. An article in the 25 April issue of the Internet magazine *Forbes.com* alleged that a small, poor-quality Archaic Greek marble head, on loan from an anonymous donor and on display at the Metropolitan, was in fact a fake. The article went on to ask why the museum should want to display

such an undistinguished piece, particularly one it did not own, and suggested that in so doing the Met had provided the head with a respectable pedigree. In a telephone interview with *Forbes.com* the Met denied the head was a fake, but it was taken off display nevertheless. The Metropolitan has since assured *Culture Without Context* that in the view of several acknowledged experts the head is indeed genuine, but also that it had been on loan to the museum since 1999. Why it was exhibited in the first place is still not clear.

 At a meeting of ISCOTIA (see *CWC* issue 5), held at the Cotsen Institute (UCLA) from 26–28 April this year, members were joined by other concerned parties. In view of this increased participation it was decided to enlarge ISCOTIA, and to prepare a mission statement based on the 1999 Cambridge Resolution. Several sub-committees were established, including those with responsibilities for law, education, communication and research. Possible courses of future action were discussed and it was agreed that the enlarged committee should reconvene in spring 2002 at a conference which will address the critical situation in Latin America.

 *No provenance* is what keeps the trade in illicit antiquities alive. Of course, illicit antiquities do have a provenance, an illicit one, but it is deliberately withheld by those who aim to profit, so that it is not possible to distinguish between antiquities which come onto the market legally, and those which have arrived through more dubious channels. When pressed about their policy of not revealing a provenance, or a source, most dealers fall back on commercial arguments — keeping a 'source' secret — or on client confidentiality. Are these always good reasons, though, or are they sometimes merely obfuscation? In the News reports on two museum acquisitions which were discovered to have originally been stolen and so returned — although the museums were under no legal obligation to do so — while at the same time the names of the vendors were kept secret. The J.P. Getty Museum returned a second-century marble sculpture to Italy which had apparently been stolen in 1956. The Miho Museum agreed to hand back a sixth-



century AD stone bodhisattva which had originally been stolen from Shandong province in China. The Getty would not reveal its source. The Miho bought its piece from J.E. Eskenazi Ltd of London, who, when approached by the *New York Times*, also refused to identify their source. While major dealers and institutions continue to protect vendors who pass on stolen material, the trade

in illicit antiquities will continue. Certainly, most dealers will be stung now and then, even the most diligent; it is a hazard of the trade. But surely it is in everyone's interest that those who continually pass on illicit material be named — and shamed.

NEIL BRODIE

## The protection of cultural property in the Republic of Korea

JONGSOK KIM

It was at a Christie's auction in New York on 31 October 1996 that a seventeenth-century Korean dragon jar (Catalogue lot no. 25) fetched a record price for porcelain of US\$8.42 million. This bid broke the previous record of US\$3.08 million paid at the same auction house in 1994 for a fifteenth-century Korean porcelain dish. The dragon jar's price in 1996 is still the world record for porcelain on the international art market. The jar was known to have been submitted for sale by a Japanese collector<sup>1</sup> and was bought by a Korean.

During the twentieth century, unquantified, but certainly very large, volumes of Korean cultural property were removed from the country, particularly during the Japanese colonial occupation of Korea from 1910 to 1945. Many cultural objects were also destroyed or lost during the Korean War from 1950 to 1953 — some historic Buddhist temples and monasteries in the mountains were bombed during counter-guerilla operations because they were used as hiding places. It is a consequence of these two major historical events that Korean cultural objects are very rare. Therefore, whatever Korean art and antiquities are found on Korean territory are particularly important since they are all that remain in the country of origin — i.e. in their true cultural context.

It is this background — the general rarity of Korean cultural property — that makes theft,

illegal excavation and illicit traffic all the more serious. Over the last few decades in the Republic of Korea (ROK, South Korea), it was during the 1970s and 80s in particular that illegal excavation of antiquities became a serious problem,<sup>2</sup> following the growth of a large international art market which placed high monetary values on many types of Korean art, particularly ancient ceramics, sculpture and jewellery. The ROK's economic development had begun in the early 1960s, so that the rise in cultural theft over the next decades followed the general demand for cultural goods that had by then emerged. The late 1970s was another remarkable period when the market for contemporary art began growing rapidly in the ROK. At the same time, high-quality fakes of Korean art and antiquities began to turn up on the ROK's art market,<sup>3</sup> and through this the international market as well.

The ROK, like most other countries has few reliable statistics on cultural property theft. This is because, for example, not all thefts are reported to the national authorities, and a loss cannot be identified immediately whenever it happens. The ROK is no exception in this respect. However, both the National Police Agency and the Cultural Properties Administration manage the affairs of the country as regards cultural property theft. Their statistics of cultural property theft from 1992 to 1998 in the ROK are shown in Figure 1.

The *Protection of Cultural Properties Act* provides a core legal structure for the protection of cultural property in the ROK. In addition to municipal laws, the ROK has also acceded to two relevant international conventions. Thus, the legal framework of the ROK in this matter is described as follows:

- *Protection of Cultural Properties Act* (last



Year	Cases	Items
1992	25	1109
1993	35	417
1994	13	270
1995	7	679
1996	16	1947
1997	24	1042
1998	32	1006

**Figure 1.** Theft of cultural property in the Republic of Korea. (The figures record cases reported to the National Police Agency and the Cultural Properties Administration, ROK only.)

amended 29 January 1999)

- \* Enforcement Decree of the Protection of Cultural Properties Act
- \* Regulations relative to the Protection of Cultural Properties Act
- 1970 UNESCO *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* (entered into force May 1983)
- 1972 UNESCO *World Heritage Convention Concerning the Protection of the World Cultural and Natural Heritage* (entered into force September 1988)

The *Protection of Cultural Properties Act*'s Article 2 includes a definition of cultural property generally recognized in the ROK. (It uses the plural form of 'cultural properties' since the definition further covers monuments and sites.)

ARTICLE 2, *Protection of Cultural Properties Act*, The Republic of Korea. (Last amended 29 January 1999)

The term *cultural properties* used in this Act means the artificially and naturally shaped national and global properties which possess high historical, artistic, academic or scenic value and fall under one of the following subparagraphs:

1. *Tangible cultural properties*: buildings, classical books, works of calligraphy, ancient documents, pictures, sculptures, crafts, etc.

and other tangible cultural products which are of high historical or artistic value and other archaeological data corresponding thereto;

2. *Intangible cultural properties*: drama, music, dance, craft technique, etc. and other intangible cultural products which are of high historical or artistic value;

3. *Monuments* falling under one of the following items:

- (a) Historical sites such as temple sites, ancient mounds, shell mounds, palace sites, pottery sites and stratified relics, etc. which are of high historic or academic value;
- (b) Scenic places which possess high artistic or scenic value;
- (c) Animals (including natural habitats, breeding grounds and places of origin), plants (including natural habitats), minerals, caves, geological features, biological products and specific natural phenomena which are of high historical, scenic or academic value;

4. *Folklore material*: public morals and customs relating to food, clothing, housing, occupation, religion or an annual event, etc. and clothes, tools or houses used thereby which are indispensable to the understanding of changes and progress in the national life.

The destinations of cultural properties stolen from the ROK have multiplied over the last thirty years. At the beginning of this period, neighbouring Asian art markets such as Tokyo and Hong Kong were the most important for the illicit trafficking of Korean material. Nowadays, however, it is known that stolen Korean items appear for sale on major Western art markets such as London and New York.

Korean Buddhist treasures are probably the most frequent targets of this global traffic. Between 1984 to 1999 453 items were reported as stolen from the ROK's Buddhist temples and monasteries. However, 429 items (94.7 per cent) were 'non-designated' cultural property,<sup>4</sup> under the designation scheme of the *Protection of Cultural Properties Act*. This legal status of non-designation provides Buddhist stolen items a limitation period of only five years within which



to initiate a legal action for theft — the same as for a normal theft case in the ROK. To solve this problem, the ROK Government announced in August 2000 that the *Protection of Cultural Properties Act* would be amended in order to offer more effective protection for non-designated cultural properties.

**Author's note:** When indicating general nationality in the article, the author uses the term 'Korea(n)', for example, Korean art — in other cases, the Republic of Korea (ROK), for example, the ROK Government.

## Notes

- <sup>1</sup> Quoted in *The Korea Times* (Seoul) 4 November 1996, 10.
- <sup>2</sup> Quoted in *The Kyunghyang Newspaper* (Seoul) 30 April 1999, 3.
- <sup>3</sup> Quoted in *The Hankyoreh Newspaper* (Seoul) 20 July 1999, 21.
- <sup>4</sup> Quoted in *The Chosun Daily News* (Seoul) 2 September 2000, 21.

JONGSOK KIM

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London

## In the News

JENNY DOOLE

### Persian mummy confusion

- It has emerged that a **mummy** seized from a house in Quetta, Pakistan in mid-October 2000 (see In The News *CWC* Issue 7) is a **fake**. It had been suggested the mummy was the remains of an ancient Persian princess possibly looted from the area or nearby, but reports indicate that it is actually the body of a 21-year-old woman **mummified not more than two years ago**. Oscar White Muscarella of the Metropolitan Museum, New York, told *Archaeology* magazine (Jan/Feb) that in March 2000 he had received four photographs of the mummy, with an accompanying letter, offering it for sale to the Museum and explaining that it had been brought from **Iran to Pakistan** by Zoroastrian families long ago. The Iranian government still wants the corpse back, while Pakistani authorities await the results of further tests.
- Meanwhile, in November 2000 Pakistani customs officials seized \$10 million worth of twelfth- to sixteenth-century **Balochi jewellery** on a bus near **Quetta**, allegedly **en route to Karachi** for transport abroad.

## Looting around the world

- Officers from Ukrainian special forces, with frustratingly few resources, are attempting to clamp down on the lucrative **grave-robbing industry in the Crimea**. It is estimated that at least \$2 million worth of **antiquities are smuggled west** from the area annually, with some pieces stolen from **Greek and Roman graves** to order for private collections.
- Journalist Sarah Rooney, in a feature on **looting of Khmer sites** in Cambodia (*Sunday Times* magazine 6 January 2001), describes a journey to the remote temple of **Preah Khan**. A local tells her that the past few years have seen a '**free-for-all looting season**' with thefts controlled by a high-ranking military officer who paid villagers about **£16 per carving** and selected specific items. The frenzied looting apparently continued until last year and only stopped because it seems there is '**nothing left to steal**' at the gigantic temple.
- Archaeologists have reported **extensive looting** at a major Iron Age site discovered in Cambodia, **Phum Snay** (see article by Rachanie Thosarat p. 18), which has **destroyed hundreds of burials** and important stratigraphy at the site.



- *The New York Post* (22 April 2001) reports **Palestinians selling artefacts** looted from the Temple Mount site. Amongst other antiquities mentioned are **pottery fragments** dating from around 700 BC illegally offered for sale for \$100,000 and a **carved stone menorah** with seven branches for more than \$1 million.
- *Biblical Archaeological Review* believes that the time has come for orthodox Jews to **review their religious objections** to the excavation of tombs which are in danger from grave robbers. Recent investigations have shown that some of the 1200 graves at the ancient cemetery of **Qumran** contain lead coffins and looters with metal detectors have been locating these, **discarding bones** in the process of extracting the coffins and **smashing skulls** to retrieve any coins which may have been placed on the eyelids of the deceased in ancient times. Hershel Shanks believes that Jewish religious law could be interpreted to **allow excavation, by archaeologists**, of graves which are at risk as long as the bones therein are reburied with dignity and respect.
- More than **300 Ming and Qing Dynasty tombs** in Chuzhou District of Huaian City, Jiangsu Province, China were illicitly excavated by locals during March and April. Many important archaeological sites have been found and looted since water conservation developments on the Huaihe River began in 1999.

## Destruction of Afghan cultural heritage

- In March, as Taliban authorities ordered the **destruction of the giant Buddhas at Bamiyan** in the face of international opposition (see Editorial and p. 23), Mehrabodin Masstan, a representative of the Afghan opposition alliance said that, at the same time,

the **smuggling of pre-Islamic heritage** from the country was gathering pace, adding 'We are losing our past. This is yet one more tragedy for our country' (Reuters 2 March 2001). It has been pointed out that **no registry** of Afghan antiquities exists and **neither is Afghanistan a member of Interpol**, making retrieval of stolen material even more problematic.

- The destruction of the Bamiyan Buddhas **boosted interest** in ancient Afghan heritage, and law enforcement officers in Pakistan said they were prepared for a **fresh wave of smuggling**.
- **10 truck-loads of pieces from the destroyed Bamiyan Buddhas** were reportedly driven by middlemen to **Peshawar, Pakistan**, for sale in the town's antiquities markets. A leading UK dealer in Pakistani and Afghan artefacts, **George Bristow** of Artique in Tetbury, said he had been approached by 'one of his regular buyers in Peshawar' with pieces which may be recognizable and joinable (*The Telegraph* 7 April 2001). He was also offered a nearly life-sized **Gandharan black schist Buddha** and other **frieze fragments** which he believed might have been of interest to the Victoria and Albert Museum but may already have been bought by **a Japanese collector**.
- Scott Baldauf (*Christian Science Monitor* 20 March 2001) describes his visit to an **antiquities shop in Peshawar** where, in a showroom behind a false door, the dealer offered a **wide range of artefacts** from an ancient Greek terracotta head to carved Buddhist altarpieces. Any size Buddha is procurable, but purchasers were advised that they might experience **difficulties in smuggling** bigger pieces through the airport.

It seems every antique shop in Peshawar has old-looking Buddhas on sale, but since more have come out of Afghanistan, and with fewer Japanese and European tourists visiting Pakistan as a result of trade sanctions, **prices have fallen**. Authentic pieces



are now apparently worth less than some mass-produced reproductions.

- Investigators in London, a centre for the sale of illicit Afghan antiquities, believe there is a **'loose network' of low-profile dealers**, working from home and selling mainly small, and therefore **difficult to police**, objects to collectors world-wide (*The Observer* 11 March 2001).
- *The Art Newspaper* (April 2001) and *Sydney Morning Herald* (30 December 2000) with help from **Robert Kluyver** from the Society for the Preservation of Afghanistan's Cultural Heritage (SPACH) take this opportunity to recap the development during the last few years of **demand-driven, organized plunder** of antiquities in Afghanistan. Specifically mentioned are:
  - the **museum of Tepe Shotor**, on the site of a Buddhist monastery near the border with Pakistan, stripped 'very professionally' in a single day;
  - looting of almost all the **sixth- to eighth-century frescoes** in Bamiyan;
  - the Hellenic city of **Ai Khanum**, Bactria reduced to its foundations;
  - a Buddhist statue from the central valley of Saighan, which had reportedly been sold for \$95,000;
  - a **private collector in Tokyo** who has allegedly bought several Gandharan reliefs looted from Kabul Museum (prices reach \$1 million for a Buddhist schist panel);
  - **Nasirullah Khan Babar**, formerly Pakistan's minister for the interior, who admits purchasing one of the looted **Begram ivories** for \$100,000, arguing that he holds it 'in safe keeping' although it has been alleged he may have been part of a scheme to sell the ivories back to Afghanistan.

Kluyver suggests that 'professional' looting only **subsided as supplies of identifiable antiquities became scarcer**, and that it was at this stage that 'amateur' digging escalated.

- **James Cuno, Director of the Harvard University Art Museums**, writing in *The Boston Globe* (11 March 2001) uses the destruction of the Bamiyan Buddhas to push forward the argument that **'nationalist' approaches have been less successful than 'internationalist'** with regard to the protection of cultural heritage. He maintains that the Afghan government's restrictions on trade and ownership of cultural property **did not protect Afghan cultural heritage** and the same is true of the situation in Italy, adding that such policies put world treasures at risk and create an illicit market for antiquities. He also urges an urgent rethink by the new US administration with regard to their **position on bi-lateral agreements** signed under the auspices of the 1970 UNESCO Convention. Cuno's arguments were **challenged in a subsequent letter from Claire Lyons** of the Getty Research Institute (18 March 2001) who suggests that 'the banner of universalism' has sometimes been used as a cover under which some US museums have knowingly acquired looted antiquities, thereby providing incentives for continuing destruction of archaeological sites.



## Greek police raids

- *February*: Police questioned archaeologist **Nikolaos Anayiotakis**, following the discovery of about **7000 ancient coins and thousands of other ancient artefacts** found in his home in Heraklion, Crete.
- *March*: **Dimitrios Gerakis**, a farmer from Marathon, was arrested under Greek antiquities laws and charged following the discovery, under one of his freshly-tilled fields, of a life-sized, one-ton, fourth-century BC, headless **statue of Cybele** seated on a throne. It is not known whether the piece was found there or had been reburied after removal from another findspot. Gerakis had allegedly been **trying to sell the piece** (es-



estimated to be worth Dr100 million or \$260,000) to police posing as dealers for many millions of drachmas.

- **March:** Police in Crete charged a **German painter and Greek construction worker** with alleged **antiquities smuggling**, after finding a wide range of antiquities — including carved stone seals, clay statues, bronze cups, coins, other objects and Byzantine icons — in their homes.
- **April:** After arresting **Panagiotis Benos**, Greek police confiscated one hundred bronze and two silver coins, dating to ancient Greek, Roman and Byzantine periods, and third-century BC loom weights (one of clay, two of lead). Benos claimed he found them in a rubbish bin and was charged with **possession of antiquities**.



## Fakes and faking

- **Michel Brent**, writing in *Archaeology* magazine (Jan/Feb) stated that, since the 1980s, nearly **80 per cent** of apparently ancient **terracottas smuggled from Mali** have been **fakes**. He interviewed a forger who said he had added the body and hind legs to a genuine fragment of a ram unearthed at Dary on the river Niger in 1986. Residents of the village confirmed the story. Brent claimed that the piece was **auctioned at Sotheby's** New York in 1991, as part of the **Kuhn collection** (at which time a thermoluminescence test registered the piece as ancient) and it sold for \$275,000. The same forger identified pieces of his skilled work in the collections of **Baudouin de Grunne**, the **Barbier Museum** (Geneva) and the **Boston Museum of Fine Arts**.

Brent suggests various **reasons for the marked rise in forgery** of West African terracottas:

- collecting trends;

- publication since 1980 of photographs for forgers to work from in monographs, auction catalogues and art books;
- the relative 'newness' of the market which makes identifying forgeries more difficult;
- the recent emergence of 'investor' collectors, less knowledgeable about antiquities;
- and lack of care, especially amongst American buyers, in establishing authenticity.

- In a new book *The Lie Became Great: the Forgery of Near Eastern Cultures*, published February, **Oscar White Muscarella** highlights more than a thousand Near Eastern artefacts in museum collections around the world as **possible forgeries**. He condemns the existence of a '**forgery culture**' in which he claims professors, curators, scientists, museum officials and trustees, dealers, smugglers, auction house employees, collectors and forgers **all collude**, and which results in museums sometimes knowingly displaying fake objects, donors of fakes receiving tax benefits, not to mention distortion of the archaeological record and our understanding of the past. **Harold Holtzer of the Metropolitan Museum**, where Muscarella works and where 45 suspicious pieces were pinpointed, **strongly contests Muscarella's conclusions**. Among the interesting statistics Muscarella claims are that:

- 40 per cent of objects tested by the Oxford Thermoluminescence Laboratory are proven to be fakes;
- half the antiquities brought for sale at Sotheby's are fake;
- 25,000 forgeries of ancient art enter the market each year.



## Compiling data

- During March and April, teams of archaeologists from the **University of California** and the **University of Cambridge**, England, in collaboration with Albanian colleagues, began an archaeological survey



of an area of the **western coast of Albania** believed to be the location of the ancient Greek colony of **Epidamnos**. Jack Davis of UC, said that looting of archaeological sites throughout Albania makes this mission a **urgent priority** in order to identify ancient sites that should be studied or preserved.

- **Canadian Heritage** in Ottawa and Whitford Environment Ltd have brought together a **team of archaeologists and cultural heritage experts to produce a report** on the extent, nature and location of looting of archaeological sites and underwater wrecks in Canada, and connections with illegal export of archaeological resources. The research project, which will concentrate particularly on the last five years, follows reports of **site looting and unauthorized trafficking of artefacts** from professionals in every region of the country and will invite public participation.
- The **TAY project** (The Archaeological Settlements of Turkey) has created an **online data base** of Turkey's archaeological sites. The project has been working for eight years to log the country's archaeological heritage in the face of increasing threats from urbanization, agricultural activities, dams or **illegal digging**. Some sites have been completely destroyed. The World Wide Web site (<http://tayproject.eies.itu.edu.tr/enghome.html>) presents an interactive collection of inventories, maps, photographs and sketches and will, TAY hopes, be a model that other countries — especially in the Mediterranean area — will follow.

## International meeting

The **11<sup>th</sup> Session of the UNESCO Intergovernmental Committee** for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation was held in **Phnom Penh**,

Cambodia in March. The meeting looked at the cases of the Parthenon Marbles (currently in the British Museum), the so-called Bogazköy sphinx (currently in Berlin), and a report on cultural property displaced during WWII intending to establish a series of **principles for inter-state settlements**.

## Mysterious deposit

Following an anonymous telephone call, **six fragments of Roman frescoes** were found abandoned on the doorstep of London antiquities dealer **James Ede**, who immediately contacted the police. Rare examples from the first century BC, they were apparently the results of clandestine excavation, chiselled from the wall of a villa being excavated in **Pompeii** in the 1980s. Experts noted extensive damage, which presumably occurred during their removal. Major Ferdinando Musella of the artistic heritage protection squad in Rome told *The Times* (25 March 2001) that investigations led them to believe that the same pieces were discreetly **offered for sale in London** by an Irish businessman who apparently decided to abandon them as 'investigative pressure' intensified. Ede suggested that they were left at his premises because of his prominence in the London antiquities world.

## Antiquities thefts

- **Pre-Columbian artefacts** (valued at around \$267,700 in 1996) have been stolen from a locked basement store below the **Mary Coats Burnett Library** at Texas Christian University. The 110 Aztec and Mayan ceramics — donated to TCU from the Moorehead Collection between 1996 and 1997 — were last seen in February 2000 and had been stored in plastic wrappings and boxes, which were left behind. Several remaining pieces were damaged.



- In March the **British Museum** confirmed that a **marble hand was stolen** from an ancient Greek sculpture in November 2000. The hand, which had been attached with a metal rod to the wall fragment from the Temple of Apollo, Bassae, was said to be worthless separated from the relief.



Head from a statuette of Alexander the Great stolen from Cyrene. Mid-late Hellenistic.



Enthroned female statuette stolen from Cyrene. Mid-late sixth century BC.

- A World Wide Web site ([www.cyrenethefts.org](http://www.cyrenethefts.org)) has been created to alert the world about the **theft of at least 15 stone heads**, excavated from the Extramural Sanctuary of Demeter and Persephone at **Cyrene, Libya** between 1969 and 1981 by the Kelsey Museum, University of Michigan and the University of Pennsylvania Expedition. They were stolen sometime in late 1999 or early 2000 from storerooms used by the Expedition, after thieves broke in through a broken window. The sculptures are of particular archaeological

significance, and there is speculation that they were **smuggled to Egypt** shortly after their theft. All are, thankfully, well-documented and studied, with the publication in press.



## UK issues

- On 14 March, at a meeting of the Institute of Field Archaeologists, the Rt Hon Alan Howarth, Minister for the Arts **announced that the UK Government had taken the decision to accede to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property** as soon as normal Parliamentary and other formalities have been completed.

He cited the publication of the **Palmer report** in December 2000 (see Editorial) as an important landmark in developing public policy in this area 'not least because it represents for the first time a consensus between all those groups interested in the trade in cultural objects on practical measure to improve the current situation'. It has been agreed that the Panel should **continue in existence** to advise on how to implement other recommendations in the report.

- *March:* As the UK government lauded the success of the **portable antiquities reporting scheme** (a voluntary code encouraging England's and Wales' estimated 50,000 metal detectorists to report finds of antiquities to local museums) at the launch of the latest report on the initiative, some **archaeologists expressed grave concerns**. The report shows a 50 per cent rise in the number of objects reported (31,783) most of which were returned to their owner after passing through the recording process, and some bought by museums. The value of the scheme was clear in the case of objects that owners had thought of little interest but were of particular archaeological significance, or when reported finds led to the detection of undiscovered archaeological sites. But, as the *Guardian* reported (24 March 2001), archaeologists remain divided about the value of a programme which encourages metal-detecting, citing reports of **massive night-time damage to sites** under scientific excavation. Archaeologist Percival Turnbull



pointed out the existence of ‘a sizeable criminal element, who not only **loot and trespass**, often on protected sites, but who routinely create false provenances for material’.

- April saw the **second antiquities sale** hosted by up-market London department store, **Fortnum & Mason**, despite protests by leading archaeologists Colin Renfrew of the McDonald Institute, Cambridge and Alex Hunt of the Council for British Archaeology, who accused the shop of indirectly encouraging looting. Fortnum & Mason argues that the items on sale (supplied by dealer Chris Martin and his company Ancient Art) were everyday items, surplus to overstretched museums. Prices ranged from £30 to £20,000, with objects from Roman and Egyptian statues to Greek pots. Norman Palmer, chairman of the Ministerial Advisory Panel on Illicit Trade commented that, while there may be **no legal objection to the sale, ethical buyers should think carefully** before making a purchase. (*The Times* 2 April 2001).



## Italian developments

- *January*: Archaeologists in the United States were delighted when the governments of the **United States and Italy signed a landmark agreement** to protect pre-Classical, Classical and Imperial Roman archaeological material. The agreement — long resisted by the dealing fraternity, who have claimed it to be indecipherable, un-enforceable and anti-free trade (see In The News *CWC* Issues 5 & 7, and Editorial *CWC* Issues 5 & 6) — **prohibits the import** of such material into the US without an export permit issued by Italy or verifiable documentation that it left Italy prior to 23 January 2001, the date of the agreement. Prominent dealer in Mediterranean antiquities, **Jerome Eisenberg** said the agreement created a **dealing minefield**, telling the *Washington Post* (20 January 2001), ‘No-
- body ever imports Italian antiquities from Italy. What kind of proof do I need if I buy something in Switzerland?’.
- Souren Melikian, reporting on the spring antiquities sales (*International Herald Tribune* 5 May 2001), suggests that the **US/Italy agreement has contributed to a shift in attitude**, in that ‘buying antiquities that *might* be suspected of having been illicitly dug up recently will henceforth be seen as a **huge commercial risk**’. He argues that this new mood outweighs the legal provisions of the treaty, extends beyond Italian material to the whole antiquities market and was evidenced by museums acquisitions from **Christie’s, London** where purchases by the British Museum, Boston Museum of Fine Arts and others seemed **suitably cautious**.
- *The Telegraph* (8 April 2001) reports on increasing **efforts by the Italian State** to protect archaeological sites such as **Vejo and Cerveteri** from looters. Initiatives include **evening stake-outs** to catch *tombaroli* in the act and **police helicopter patrols**. Plans have also been announced for a detailed **object ‘biography/passport’** to go with ancient artefacts, which will be necessary for legitimate sales.
- Christina Ruiz of *The Art Newspaper* (March 2001) filed a report on the **life of a tombarolo** who allegedly controls looting at the ancient Etruscan city of **Veii**. Among the details revealed were:
  - He had **trained with his father**, also a skilled tomb robber and is now said to have a **team of men** working under him.
  - He estimated that he had broken into **several hundred tombs**, on average one every ten days, to retrieve vases, statuettes, mirrors, ornaments, jewellery and other golden objects.
  - Tombs (which take three men approximately two nights to break into, and must then be left for 24 hours so that fragile grave goods can oxidize and harden), if



they have not been previously looted — either in antiquity or modern times — will yield about **30–40 vases** in addition to other saleable artefacts.

- The *tombarolo* expressed some frustration at receiving ‘**only 20 per cent of the profits**’ on selling loot to middlemen — who are described as well-educated, establishment figures with international contacts — for low, fixed prices (which apparently keep supply steady), usually within 24 hours of the theft.
- Bronze items are **more valuable than gold** because they are easier to authenticate.
- Some **farmers accept a cut of profits**, but some apparently refuse to work with the tomb robbers for fear that illicit activity will encourage the State to protect the land and thus restrict agriculture.
- Objects are **smuggled** in containers carrying car parts, food or marble (with some marble blocks hollowed out, stolen works secreted in them, and then sealed with stucco).
- The *carabinieri* only come after the *tombaroli* if they receive a tip-off and treat them kindly because they know they are not the ones making the money.
- The *tombarolo* **regrets the damage** he has done to Veii, but feels there is **no alternative** way for him to feed his family.
- He has recently found a necropolis with **hundreds of unexcavated tombs** unknown to archaeologists.



## Returns

- In April archaeologists welcomed what was seen as the first major **success of the US/Italy bi-lateral agreement**. After what Col. Roberto Conforti, head of the *Carabinieri*, described as ‘hard bargaining’ (*The Guardian* 18 April 2001), the **J. Paul Getty Museum** in Malibu, California **returned to Italy a second-century bust** of a victorious

athlete, copied from a fifth-century BC original by sculptor Polykleitos, which, it emerged, had been **stolen soon after being excavated from Venosa**, southern Italy in 1956. The Museum refused say who sold them the piece in 1996.

- **285 objects** stolen from the Archaeological Museum of Ancient **Corinth** in 1990 and recovered in Miami in 1999 (see In The News *CWC* Issue 5) were **returned to Greece** in January. The FBI will continue to investigate the whereabouts of 11 pieces from the robbery still missing. A gang of Greek nationals (see In The News *CWC* Issue 6) stood trial for the raid, during which the museum guard was beaten and money stolen. The gang leader **Anastasios Karaholios** was sentenced to life imprisonment — the severest sentence ever passed for an archaeology-related crime in Greece — but has appealed. Two other gang members were acquitted, the trial of one continues, while another two, believed to be in South America, are being tried *in absentia*. **Wilma Sabala** (a friend of one of the gang), in whose Miami home the stolen antiquities had been stored, was convicted in New York in June 2000, after pleading guilty to interstate transportation of stolen property. She had given objects from the robbery to **Christie’s in New York**, where they were bought by **Jerome Eisenberg’s Royal-Athena Galleries** amongst others. Sabala was sentenced to one year’s imprisonment.
- The US District Court in New York ordered in March that the **wall panel** stolen from the tenth-century Chinese tomb of Wang Chuzhi in 1994 and impounded from **Christie’s, New York** when it was offered for sale in March 2000 (see In The News *CWC* Issue 6) should be **returned to China** — formalizing an agreement worked out between China, the US Government, Christie’s and the M and C Gallery who consigned the piece from Hong Kong. **M and C Gallery** claimed they been made the scapegoat, and that the case



has cost them over one million Hong Kong dollars. They reportedly purchased the panel for two million Hong Kong dollars (\$256,739) in 1999. Christie's Hong Kong said the auction house generally made careful checks of ownership history.

- The **Miho Museum**, Kyoto, Japan (see In The News *CWC* Issue 2) in April announced that a rare statue of **Bodhisattva** (valued at around \$830,000) in their collection was indeed the one **stolen from a garden building in Boxing**, Shandong Province, China in 1994 (see In The News *CWC* Issue 6). Although under no obligation to return the statue, since Japan has not ratified the 1970 UNESCO or 1995 Unidroit Conventions, the Museum presented the piece, which it claimed to have bought in good faith, to the People's Republic of China. A museum spokesperson stated that the gesture was in keeping with their philosophy that 'art plays a significant role in creating greater tolerance and peace in the world' and China agreed to loan the piece for display in the Miho without charge until 2007 when a major exhibition is planned (*New York Times* 17 April 2001). Philip Constantinidi, a director of **Eskenazi Ltd.** London, who sold the bodhisattva to the Miho via an intermediary in 1995 **expressed surprise at the return** and told the *New York Times* that J.E. Eskenazi was travelling and could not be reached for comment. The statue was apparently purchased from another dealer whom Constantinidi refused to name.
- *May*: The **Munich Museum** announced its intention to return to Egypt a 3300-year-old gold decorated coffin (found in Tomb 55 in the Valley of the Kings, 1907) which had been **donated by a Swiss collector in 1980**. The coffin, but not its gold lid, had **disappeared from the Egyptian Museum** in Cairo in 1931 and will be seen in a Munich exhibition of art from the era of Tutan-khamun in Munich later this year. The Museum will **not ask for compensation** for

more than 200,000 DM spent reconstructing the coffin, which had been found in fragments.

- In May, **New Scotland Yard** was able to return a plundered piece to the **Iraqi authorities** in London. This was a **human head in high relief**, 50 cm high and 40 cm wide, which had been **for sale in a London gallery** and was identified by an Italian archaeologists as coming from the Parthian city of **Hatra** in northern Iraq, several of whose renowned **sculptures have been plundered** since 1990. On being informed of its origin the dealer handed the piece over to the police.



## Internet decision

*January*: In a ruling which was believed to have implications for antiquities sales over the Internet, a San Diego **judge dismissed a lawsuit against eBay** (see In The News *CWC* Issue 7), finding that the Internet auction house **did not vouch for the authenticity** of items for sale on its World Wide Web site. eBay states that, while it discourages fraud and reports it to the authorities, it cannot be held liable.



## Mexican enquiries

**Mexico's ambassador to Australia** confirmed in February that he had written to the **Art Gallery of New South Wales** requesting information about the **ownership history of two Pre-Columbian statues** bought from a Sydney dealer in 1964: one a woman with outstretched arms, the other a woman holding a child and a bowl. He emphasized that this was part of a **general investigation** to inventory Mexican pieces in Australian institutions, and did not mean that all were taken in an illegal way.





## US concerns

- In October 2000 **William Dean Jaques** was sentenced to serve six months in a work release programme and five years of federal probation, banned from hunting archaeological artefacts on public or private land and fined \$803.86 in damages after his **conviction for looting archaeology** on the **Malheur National Wildlife Refuge**, Oregon — where sites range from 9000 to 200 years old. An elder of the Burn Paiute Tribe was pleased with the conviction, but said that federal laws should be strengthened as a deterrent, emphasizing that native American concerns run much deeper than the destruction of archaeological contexts. Jaques, who has a **long history of looting convictions**, claims he was surface-hunting arrowheads and doing nothing wrong, although refuge employees **videotaped him digging** for artefacts.
- *February:* Environmental managers at **Riffe Lake, Washington**, fear the **theft of native American artefacts** which cover the lakebed, large areas of which have been exposed following drought conditions. The situation is not expected to improve in the short-term.
- Authorities in **Citrus County, Florida** have reported a **marked increase of looting** on native American sites, which may be connected with the Internet since World Wide Web sites give details of where and how to retrieve artefacts. In recent incidents:
  - more than **50 illegal holes** were dug on a **midden site** (dating from 2000 BC–tenth or twelfth century AD) off the **Withlacoochee river** between Yankeetown and the Gulf of Mexico;
  - **five men** were issued notices to appear in court on trespassing charges (which were later dropped by the land owner) after **suspected digging** of submerged sites on a private island;
  - another investigation was launched in salt marshes in **Bennett's Creek**, also off the

Withlacoochee.

State archaeologist, Jim Miller, says such sites are popular because they are **remote and yield large numbers of points** and other tools and that when word gets out 'literally dozens of the people' show up the next weekend (*St Petersburg Times* 18 April 2001). The State has now begun enforcement initiatives in **conjunction with the Coast Guard**.

- Officials from the **State Institutional Trust Lands**, admitted late last year that they are not sure what to do about the **theft of a boulder etched with prehistoric petroglyphs** stolen during the summer from their lands in southwest Utah county by thieves who towed it off behind their all-terrain vehicle. The agency is **seeking legal guidance** on how to proceed with their investigation. Much ancient rock art from public lands in Utah has apparently been stolen or damaged in the past to be used in garden and interior design, and also by thieves who believe it marks the location of ancient gold mines.
- *December, 2000:* **Ian Martin Lynch** — who was sentenced in 1999 to six months in prison for looting the 1400-year-old skull of a child from the Warm Chuck Village and Burial Site burial site near Prince of Wales Island, southeast Alaska (see In The News CWC Issue 4) — has had his **sentence overturned**. The 9<sup>th</sup> US Circuit Court of Appeals said the authorities must prove that Lynch (who said at the time of his conviction that he never meant to anger the native American community in taking the skull from the eroded site) had been aware that the remains were archaeological resources and emphasized that Congress intended the law to discourage looting and grave-robbing by those seeking commercial gain.



## Chinese concern

Assistant Professor **Wang Ycheng** of the Institute of History, Chinese Academy of



Sciences believes that a rare Han period **bronze candelabra tree** sold in New York City in late 2000 for a record \$2.5 million **may have been stolen** in 1997 from a tomb in Wushan country, Sichuan province. Storage facilities and sites in the **Three Gorges** area have recently suffered extensive looting and Professor Wang Ycheng calls for **urgent attention** for the archaeological resources in the area.

## Telli arrested

The alleged smuggler who is said to have masterminded the removal from Turkey of the '**Elmali Hoard**' (1900 fifth-century BC silver coins looted from Elmali, near Antalya: see In The News *CWC* Issue 4) and other important Turkish antiquities, has been extradited to Turkey from Switzerland. Having avoided extradition since 1985, when he was first taken into custody in Munich as a result of an Interpol bulletin, **Edip Telli was arrested** when he entered Switzerland in the mistaken belief that his arrest warrant had expired. It had in fact been renewed as a result of his alleged involvement with antiquities smuggling in Istanbul in 1991. Media reports in Turkey suggest that big players in the illicit trade have now rushed to Europe **afraid of what Telli might reveal**.

## Collection criticisms

*The Toronto Star* (28 April 2001) accuses the **National Gallery of Canada in Ottawa** of taking 'the principle of repatriated art to a zealous, unnecessary degree' regarding their decision to turn down the bequest of the **Tanenbaum Collection** of about 1800 Chinese tomb artefacts (dating from 3000 BC to 1600 AD, and valued at Canadian \$104 million). The decision was made when experts hired by the museum expressed concerns over the **provenance (or lack of it) of about 25 of the items**, and resulted in the Tanenbaums offering the collection to the **Royal Ontario Museum** in Toronto who, according to the

paper, had 'less shrill reservations. Essentially the ROM decided to put the artefacts on display and conduct the historical detective work afterwards'. Part of that detective work included Canadian **\$25,000-worth of scientific tests** (carried out at the Ottawa Canadian Conservation Institute and in Oxford, England) on 50 objects, which have proved that at least **20 are fakes**. The collection is now the subject of a major new exhibition at the ROM.

## New ICOM initiative

**ICOM** launched a new publication, ***Looting in Europe***, at events in Budapest and Prague. The book is the latest in the important 'One Hundred Missing Objects' series which has highlighted looted objects and associated issues from Africa, Latin America and Cambodia.

### Sources

<i>Ad Week</i>	International Rivers Network
Agence France Press	<i>Kathimerini</i>
<i>Antiques Trade Gazette</i>	<i>Los Angeles Times</i>
<i>Archaeology</i> magazine	<i>Minerva</i>
<i>The Art Newspaper</i>	Museum-security.org
Associated Press	<i>National Geographic</i>
<i>Athens News</i>	News
BBC Breakfast News	<i>New York Post</i>
BBC News	<i>New York Times</i>
<i>Beijing Youth Newspaper</i>	<i>St Petersburg Times</i>
<i>Bergen Record</i>	<i>Sydney Morning Herald</i>
<i>Biblical Archaeology</i>	<i>The Guardian</i>
Review	<i>The Observer</i>
<i>The Boston Globe</i>	<i>The Oregonian</i>
Channel 6000	<i>The Salt Lake Tribune</i>
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<i>Christian Science</i>	<i>The Telegram St John's</i>
Monitor	Newfoundland, Canada
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<i>The Dawn</i>	<i>The Times</i>
Department for Culture, Media and Sport	<i>The Toronto Star</i>
Egyptian State	University of Pennsylvania
Information Service	US State Department
EurekAlert	U-WIRE
Charles Higham	<i>Washington Post</i>
<i>Inside China</i>	
<i>International Herald Tribune</i>	



## Report from Southeast Asia

RACHANIE THOSARAT

Thailand has legislation designed to safeguard cultural heritage, and yet, despite this, Thailand is also a large market for the sale of illegal antiquities. From time to time, the police undertake a 'crack down', but, as the Internet will soon reveal, dealers are very determined. Thailand has not yet signed the 1970 UNESCO Convention but it is hoped that it will do so in the foreseeable future. Burma also has laws in place to protect the looting and marketing of illegal antiquities, but the border with Thailand is long, and many items such as wooden Buddhas can easily be sent for sale to Bangkok or for illegal export. In Vietnam, looting has grown dangerously with the development of tourism, and antique shops now openly sell looted antiquities. Many Iron Age sites have been systematically looted for small items

of saleable jewellery.

The most serious area of concern, however, is Cambodia. Here, looters can take advantage of the many large temples which are set in remote areas. Most infamous is Banteay Chmar, where an entire wall was removed for sale (Fig. 1). But recent visits by archaeologists to such sites as Beng Mealea, Preah Khan of Kompong Svay, and Koh Ker have revealed systematic looting there too on a virtually industrial scale. The development of mass tourism to Angkor and the opening of the countryside to foreign visitors has only made the situation worse.

Yet not only is the historic heritage of Cambodia under threat, the situation as regards prehistoric sites has also recently worsened. The prehistory of Cambodia is virtually untouched and unknown, but last year, when a new road was built, a large Iron Age site was discovered at the village of Phum Snay in Banteay Meanchay province, about 75 kilometres west of Angkor. Professor Charles Higham, Dr Dougald O'Reilly and I were given emergency permission by the



**Figure 1.** Banteay Chmar, Cambodia, showing the hole left by the theft of a section of wall relief.





**Figure 2.** *Phum Snay, Cambodia. Looters' holes.*



**Figure 3.** *Phum Snay, Cambodia. Looters' holes.*





**Figure 4.** *Phum Snay, Cambodia. Human remains left behind by looters.*



**Figure 5.** *Phum Snay, Cambodia. Human bones left behind by looters.*

Cambodian government to undertake a rescue programme there.

The area is very poor and the villagers live in very primitive conditions — their houses are made of wood and walled with leaves, there is no electricity. When an Iron Age cemetery was revealed under their village, they began wholesale looting. The village today looks as if it has been struck by a hurricane of mortar bombs. There are pock marks everywhere (Figs. 2 & 3). When foreign archaeologists visit, accompanied by local officials of the cultural office, the villagers are told that they are destroying their cultural heritage and are asked to stop, but carry on digging regardless under the very noses of the visiting officials. When we visited the site in January 2001, close inspection of the fields ransacked by looters revealed that some were covered in random pits of various sizes and shapes, but more

recent ones had an orderly plan to them. The latter area contains plots made available for a fee, which accounts for the neater lines of looters pits. Looters place thorn barriers on certain tracks so that, if necessary, they can quickly escape. We employed guards for the 5 by 15 metre excavation area.

The village is littered with broken pottery vessels, iron artefacts, heaps of human skulls and broken human bones (Figs. 4 & 5). The villagers described burials with bronze helmets complete with gilding and iron horns, bronze armour, and much else. We found skulls with green bronze corrosion all over them which confirm this story, although the villagers really only seek beads of carnelian, agate and glass. The finds are bought by middlemen and taken to the Thai border. There, they appear in the Aranyaprathet market, or find their way to Bangkok antique shops. The villagers make very little money, but will continue until there is nothing left. While we were excavating at Phum Snay, we heard of another site recently discovered which was already being destroyed. There will be many more and it seems that the chances of any being left intact are virtually nil. When this destruction was reported in the Phnom Penh press, it only encouraged collectors to turn up and buy directly from the villagers. Some young Americans came to buy, and probably wanted to make a profit on their return to the USA. It is cheaper than buying beads at the Russian Market in Phnom Penh.

Irrespective of legislation and the best intentions of a few people in official positions, there is no clear path for improving this situation. The Banteay Chmar test case shows that, with sharp eyes and determination, it is possible to recover stolen material. Yet even so, although the Banteay Chmar reliefs have now been returned to Cambodia, they are not back at the site. Other reliefs and heads are being lost daily, via routes that go into Thailand and by sea to Singapore or vice versa. The US government has introduced a law banning the importation of Cambodian antiquities, and it would be a step in the right direction if other Western countries were to follow suit.

The looting and sale of antiquities is not an item high on the agenda of any government in



Southeast Asia. However, encouraging tourism and attracting foreign currency are both important objectives. In Thailand, the Government has undertaken many initiatives to promote cultural tourism. There are several examples: the Phanom Rung Historic Park, the Sukhothai Historic Park, the Phimai Historic Park, regional museums such as the King Narai museum at Lopburi and a new museum planned for Surin. Much wealth has been brought to the village of Ban Chiang through its World Heritage status, even if — paradoxically — the villagers now benefiting were enthusiastic looters in the 1970s. The construction of village museums, like the one at Ban Prasat in Nakhon Ratchasima Province, has attracted many visitors and now there are souvenir shops there.

Similar approaches in other countries would certainly be beneficial, for the local people need to realize that their cultural heritage is a way of ensuring prosperity indefinitely, it is not just there for immediate sale to dealers. Cambodia has the priceless advantage of Angkor — a world-class site. It is attracting a growing number of visitors, and is administered by a separate department of state, known as APSARA. The staff of APSARA are doing excellent work in the area of conservation and protection, and employ cultural police for protecting the monuments. Looting and destruction persist, but not in the frenzied way seen at other sites. The rest of Cambodia is under the jurisdiction of the Ministry of Culture. This Department needs a huge injection of funds to encourage the implementation of a programme of historic park creation on the Thai model. It would require the construction of roads, museums and visitor accommodation. How can this be done? The road from Angkor to Banteay Srei, about 25 km long, is now being constructed — by hand. Women and children carry stones in baskets, and lay them out on the road. Then a steamroller flattens them. They are paid with rice. It takes about 6 hours to reach Banteay Chmar from Angkor, the distance by road is about 150 km, but it is hardly any distance from the Thai border. A road linking Angkor with the Thai Historic Parks of Phimai and Phanom Rung could follow the old course of the Angkorean Highway.

Banteay Chmar is breathtaking. It is vast, ruinous, but its walls are covered in wonderful bas reliefs. Many sections of the wall have collapsed, presumably the reliefs are lying face down on the ground. Professor Higham and I were the only visitors there during the course of an entire day, but with investment in roads and facilities it could become one of the outstanding tourist destinations in Southeast Asia. The local people would then benefit financially and have a stake in safeguarding it. This same situation could apply to the Kulen uplands. There, one can only gain admittance by paying the local army unit. It could also apply to Koh Ker, Preah Khan of Kompong Svay, and Beng Mealea, to name but a few of the major provincial temples. But the success of such a policy relies upon there being something left to see, and this depends entirely on the political will of the Government in Phnom Penh to put in place protective measures and to punish those who break the law.

What approaches and messages will be particularly appropriate in the region? Any approach to Southeast Asian governments should include encouragement:

1. to strengthen regional cooperation against illegal looting and marketing of antiquities;
2. to consider the implementation of investment to encourage tourists to visit but not buy;
3. as in Thailand, to develop a rural education programme at village level to inform villagers of the potential value of cultural heritage;
4. to enforce strictly laws forbidding the marketing and sale of antiquities;
5. to engage in inter-governmental discussions to secure cooperation against illegal trade in antiquities between the exploited poorer countries and the rich countries in which the dealers operate;
6. to seek international funding to develop the infrastructure needed to create a system of Historic Parks for tourist development.

RACHANIE THOSARAT  
9th Office of Archaeology and Museums  
Phimai  
Thailand



## MayaQuest takes on Internet trade in antiquities

JOHN G. FOX

From 19 February to 16 March almost a million grade school students in the United States participated in MayaQuest, an online, interactive expedition to explore the world of the ancient Maya. As the team's archaeologist, I helped lead a team of scientists and explorers as we explored ancient Maya ruins and met with contemporary Maya people in Mexico, Belize, and Guatemala. We sent daily reports, videos and photos back to an interactive Web site via a remote satellite connection.

In addition to learning about the ancient Maya, students participated each week in a feature called 'Make A Difference'. Our team in the field wrote about important issues affecting the Maya region and enabled students to get involved and take action for positive change. One of our most successful efforts targeted the looting of Maya sites and the rising trade of antiquities on the Internet. After learning in-depth about the looting trade and seeing photos of recent looter's

pits at the site of Tikal, 1382 classrooms signed a petition asking Amazon.com and eBay.com to halt the trade of antiquities on their Web sites.

Individual students and classrooms wrote impassioned letters to the Public Relations people at these two companies and received individual responses, although Amazon and eBay mostly reiterated their formal positions on this topic. Amazon.com sent backpacks to one classroom, but they weren't comfortable accepting them. We turned it into a dilemma on our Web site and the kids collectively voted that it would be improper to keep the backpacks, but they thought it might be rude to send them back. So, in the end, they donated them to a domestic abuse shelter in Austin, Texas. The students have become strong advocates for cultural preservation and will continue to put pressure on those involved in the illicit antiquities trade.

Our next expedition, AmazonQuest, will take us to Peru from September 24 to October 26. See our Web site, <http://quest.classroom.com>, for further information on the Quests.

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## Conference note

*Safeguarding Africa's Heritage* was a one-day meeting held at the University of London on 17 March 2001 to discuss the various threats which face the African heritage, defined in its wider sense to include natural as well as cultural resources. Organized by Niall Finneran (School of Oriental and African Studies) and Andrew Reid (Institute of Archaeology), topics ranged from the problems posed by conservation of an Ethiopian codex to the impact of game reserves on indigenous communities. There were presentations

from Mali, Nigeria, Botswana, Lesotho, Zimbabwe and the Sahara, and included Mohammed Mohammed's account of the loss during wartime of the Somali cultural heritage, and plans for its possible recovery. The closing commentary by Alinah Segobye of the University of Botswana usefully highlighted the political realities of the continent, but ended the meeting on a cautiously optimistic note. The organizers hope to publish the proceedings of the conference as a monograph, which will be very welcome.



## UNESCO policy on Taliban

In August 2000 Kabul museum was opened for the first time in a decade and what was left of its collections — badly depleted by looting during the years of civil war that followed the Soviet withdrawal in 1988 — were on public display. The president of the museum defended the presence of Buddhist statues by maintaining that they were part of the history and culture of Afghanistan, and not to be feared as religious idols. However, in February 2001, the Taliban leader took a different view, and ordered that all idols, including the two monumental Buddhas of the Bamiyan Valley, were to be destroyed. They were

blown up in March. In response to the Taliban action, UNESCO released the following statement:

Where there is a serious danger to the survival of a heritage, and at the request of the recognized government of the country concerned, UNESCO will arrange safe custody of objects donated to it for the purpose of eventual return to the country concerned when the situation will allow. For this purpose it will support non-profit organizations working to take cultural objects into safe custody. It will not itself purchase objects which are being illicitly trafficked. In the case of Afghanistan, and consequent to the destruction of heritage by the Taliban authorities, UNESCO has established a special programme to assist in the rescue of cultural objects of Afghan origin, at the request of the legitimate government of that country.

**Front cover.** *Banteay Chmar, Cambodia, showing the hole left by the theft of a section of wall relief.*

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ISSN 1464-1925

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Printed by BluePrint, 6 Clifton Road, Cambridge CB1 7W6. Tel: +44 (0)1223 472400

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Correspondence relating to all aspects of the legal and illegal trade in antiquities is welcome; we will make an effort to print reasonable, non-libellous letters. No unsigned letters will be printed, but names will be withheld upon request.









# Culture Without Context



The Newsletter of the Illicit Antiquities Research Centre

Issue 9, Autumn 2001

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JOS VAN BEURDEN



The Illicit Antiquities Research Centre is a project of the McDonald Institute for Archaeological Research.



## Illicit Antiquities Research Centre

The Illicit Antiquities Research Centre (IARC) was established in May 1996, under the auspices of the McDonald Institute for Archaeological Research in Cambridge, England, and it commenced operations in October 1997. Its purpose is to monitor and report upon the damage caused to cultural heritage by the international trade in illicit antiquities (i.e. antiquities which have been stolen or clandestinely excavated and illegally exported). The enormous increase in the volume of this trade over the past twenty years has caused the large-scale plundering of archaeological sites and museums around the world. The IARC will raise public awareness of the problems caused by this trade and seek appropriate national and international legislation, codes of conduct and other conventions to place restraint upon it.

*Culture Without Context* is published twice-yearly. The next issue will appear in spring 2002. Subscription details are available from:

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**Front cover.** *Anti-looting poster from Virginia, USA.*

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© 2001 McDonald Institute for Archaeological Research

Printed by BluePrint, 6 Clifton Road, Cambridge CB1 7W6. Tel: +44 (0)1223 472400

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## Editorial

On 2 November 2001 the *Convention on the Protection of the Underwater Cultural Heritage* was adopted by the plenary session of the 31st General Conference of UNESCO. It will enter into force three months after it has been ratified by at least twenty States. The Convention aims to secure protection of underwater cultural heritage, which is defined as: '... all traces of human existence having a cultural, historical or archaeological character which have been partially or totally underwater, periodically or continuously, for at least 100 years ...'. Thus although this latest UNESCO Convention (which has been in preparation for four years) gained its initial impetus from concerns raised by the commercially-motivated plunder of shipwrecks, it is designed to protect submerged settlements and other cultural landscapes as well. It makes provision for the protection of heritage in both territorial and international waters.

News of the convention is available at:

<<http://www.unesco.org/opi/eng/unescopress/2001/01-118e.shtml>>

The text of the convention is at:

<[http://www.unesco.org/culture/laws/underwater/html\\_eng/conven2.shtml](http://www.unesco.org/culture/laws/underwater/html_eng/conven2.shtml)>



In their article this issue on the expanding Internet market Chippindale and Gill draw attention to (amongst other things) the sale of material in Jerusalem (pp. 9–10). The looting of archaeological sites in Israel and neighbouring countries is a growing problem, and yet despite this many antiquities appear on the market with a valid Israeli export licence. But the situation is not all that it might seem. The official website of the Israel Antiquities Authority has this to say about it:

The demand for antiquities as objects of artistic and historic value, has given rise to illicit excavations at archaeological sites.

Dealing in antiquities is permitted by law. The Israel Antiquities Authority issues licenses to deal in antiquities and export antiquities, in accord with conditions set in the Antiquities Law and its regulations.

Licensed archaeological excavations employ qualified, trained, and experienced archaeologists working on behalf of recognized academic or research institutions. All antiquities uncovered in excavations are, by law, the property of the State of Israel, at least since the 1978 Antiquities Law was passed. Therefore, licensed excavations are not a source of goods for antiquities dealers. The contradictory situation that exists is that in spite of the fact that dealing in antiquities is legal, the source for dealers' wares must clearly be illegal excavations as only a smaller proportion of antiquities arrive in the marketplace as a result of theft from museums and legal excavations. In plain terms, the source of many antiquities is robbery!

(<<http://www.israntique.org.il/eng/news.html>>, accessed 16 November 2001)

Clearly, there is a loophole in Israeli law which allows the legal export of antiquities obtained through unlicensed (illegal) excavation. This is where ethics and the law part company. It may well be legal to buy antiquities with an Israeli export licence, but can it be justified given their obviously suspect source?



In the last issue of *CWC* we noted that John Eskenazi had been travelling and unavailable for comment when the *New York Times* (18 April 2001) tried to contact him about a stone bodhisattva his company had sold to the Miho Museum. He was on his travels again in November when the *New York Times* (5 November 2001) once more attempted to contact him about the provenance of a Gandharan head which he had offered for sale in New York at the International Asian Art Fair in March 2001. The *Times* article also revealed that the director of the Pacific Asia Museum in Pasadena, California, had turned down an offer of fragments of the Begram ivories made by a London antiquities dealer, but once again the name of the dealer was not revealed. In asking for an open market we stand accused in some quarters of being 'extreme'; nevertheless, we continue to believe that a fully transparent market would go a long way towards stamping out the trade in illicit antiquities.



In the state of Virginia the term 'time crime' has been coined to describe the 'criminal offences relating to thefts of and vandalism to historic resources'. In this issue (pp. 24–30) Robert Hicks describes a training pro-



gramme of the same name which aims to alert law enforcement officers to the problem and mobilize an effective response. The most recent seminar took place in Richmond from 30 July to 3 August 2001 when the Federal Bureau of Investigation in conjunction with the Commonwealth of Virginia's Departments of Criminal Justice Services and Historic Resources held an Archaeological Law Enforcement Class. Over the five days participants attended day school and were assigned reading for the evenings. Topics included the nature of archaeological crime, its

investigation (including practical exercises), statutes and regulations available for the prosecution of archaeological criminals, and the preparation of cases for presentation in court. The 48 participants included FBI agents, archaeologists, customs officers, park rangers and other federal and state agents. This programme is now well-established and successful, and provides a model that could usefully be emulated both throughout the United States and in Europe.

NEIL BRODIE

## On-line auctions: a new venue for the antiquities market

CHRISTOPHER CHIPPINDALE &  
DAVID W.J. GILL

For a century the market in antiquities has had three main venues: public auctions, sales from dealers whose stock may be publicly announced or displayed by one means or another, and private transactions. The Internet has now provided a fourth venue, in the web auctions that have become an established market-place, and where antiquities are a standard and even a conspicuous class of objects. What is the market in antiquities on the web? What form does it take? How does it resemble and differ from the established marketing forums, especially from the conventional auction, since the web markets declare themselves to be on-line auctions rather than on-line dealers?

In any commercial transaction, participants want reassurance on three fronts:

1. Exactly what is the object being sold, in what condition, and is it what it purports to be? Conventional physical auction sales, which for fine and expensive antiquities in London and New York have for many years been dominated by Sotheby's and Christie's, provide the object itself for inspection; and assurance is given that the auction-house as intermediary will deal with fatal difficulties (e.g. if the object is

a fake) — even though the seller is commonly anonymous so the buyer does not know who they have bought from.

2. Does the seller actually own it with 'clean title', so the buyer will indeed then possess it? Again, the purchaser can hope to rely on the auction-house to deal with these issues.
3. Will the purchaser pay and will the seller be paid? Once again, the auction-house looks after this, usually by the simple tactic of not handing the purchase over until it has been paid for irrevocably.

Dealers address the same issues in similar ways, and — like the auction-houses — provide the comfort of their reputation and of membership of trade associations.

The Internet, famously unstructured, has to deal with these issues as e-commerce finds its steadier place after the e-boom and then e-bust of 2000/2001. E-commerce is working well for commodities like airline tickets, where the purchaser easily understands what they are buying without needing to see anything. Antiquities are harder, since so much depends on the exact details, and these being fairly described. How does the buyer know if the seller is who they present themselves to be? And the seller the buyer?

This article sketches the present state of two on-line outfits that sell antiquities. Interested readers will get a good idea also by spending half-an-hour on-line with them at [www.ebay.com](http://www.ebay.com) and [www.sothebys.com](http://www.sothebys.com). They are described and their offerings analyzed in rather different ways, following the different ways they operate and the different kinds of information they offer about



each lot, and because it is instructive to compare sothebys.com with the established practices of its parent physical auction-houses.

### eBay: antiquities in the world's yard-sale ([www.ebay.com](http://www.ebay.com))

eBay, 'The World's Online Marketplace', is a giant of a site where one might hope to find whatever ordinary or extraordinary kind of object one might want, or not want, to acquire. Its 30 categories include 'Antiques' (on 11 November 2001, 118,722 items) and 'Collectibles' (1,445,036 items). Within the 'Antiques' category itself are 17 further categories, one of them 'Antiquities'. On 11 November 2001, 4237 items were offered on 85 pages within 'Antiquities' (on 13 October 2001, it had been 3929 antiquities on 79 pages). There are also 'Coins' (113,983 items), 'Jewelry, Gems and Watches' (361,557 items) and 'Pottery & Glass' (295,381 items) as categories where antiquities might lurk. With over 6.6 million (!) individual items offered (plus the unstated number in the 'Mature Content' category and those on the separate eBay Motors site), antiquities are a minute portion of what eBay sells.

Each lot has a single brief entry on the page, with (usually) a little image, a few words of description, the current highest bid, the number of bids made, and the exact date and time when the auction for that item closes, up to ten days ahead of when it was listed. If you click on the item, you are taken to a page with a fuller description and large photograph(s). You can work through the pages, or search in any or all categories. A search for 'Roman' within 'Antiquities' produces 481 items. A search for 'Gandhara' in all categories produces two books and 'an ancient Gandhara sculpture' in the category 'Southeast Asian' within the category 'Asian Antiques' within the category 'Antiques' (so not within 'Antiquities'). This item 1484338485 is being sold from Briarwood, New York, and has yet to receive a bid. 'nadeemkayani', its seller, declares: 'This piece is from Sawat Valley and it weights 30 lbs and 22 inches tall and 7 inches wide. It is in great condition.'<sup>1</sup> There is a set of 5 photographs of it presented in a single large JPEG (this is not on the eBay site but at <http://www.bollywoodjam.com/multipicstatue.jpg>, on a site otherwise about 'Bollywood' Indian movies) (Fig. 1).



Figure 1. Photograph of 'an ancient Gandhara sculpture' offered on eBay.

eBay does not closely supervise what is offered,<sup>2</sup> stating 'These items are not verified by eBay; caveat emptor'. Clicking on 'caveat emptor' takes you to a page explaining how eBay works, 'At eBay, trading with confidence is the key to successful transactions.'

On a 13 October page in 'Antiquities' taken at hazard, page 44, there are 50 lots, of which 35 are not antiquities but antiques or not even that: '4 PIECES OF DOMINICAN AMBER WITH INSECTS £20.00', 'Antique Plate Master Simpson by Arthur Denis \$12.00', 'cigarette case from the 1940's ???? \$9.99', also a 1995 Chevrolet Corvette sports car<sup>3</sup> \$14,600. All pages are different, but this strikes us as pretty typical of the many we have browsed.

The 15 lots which are or might be antiquities are:

- Egypt Multiple Scarab, Glyphs, 13–17 Dyn \$200.00
- FINE PRE-COL NAYARIT WOMAN FIGURE- AUTHENTIC \$99.99
- Anasazi/Mimbres Classic Pottery ID Set RARE \$24.95
- Anasazi/Tularosa Black/White Pottery ID Set \$16.05
- 2 Ancient Egyptian Eye of Horus



- |                                               |            |
|-----------------------------------------------|------------|
| Amulets NR                                    | \$20.00    |
| • Anasazi/Puerco Black On Red Pottery ID Set  | \$14.95    |
| • Roman Bronze Coin, Probus, 276–282AD NR     | \$20.50    |
| • ROMAN BRONZE KNEE BROOCH                    | GBP14.99   |
| • ROMAN OIL LAMP,NICE. (NR)                   | \$16.50    |
| • MEDIEVAL: 13th CENTURY HUNTING ARROWHEAD    | GBP19.00   |
| • POINTE DE FLECHE BRONZE CHINOISE DYN. HAN   | FRF 180.00 |
| • MEDIEVAL: KNIGHTS' BELT FITTINGS' (AA)      | GBP 9.99   |
| • Ancient Egypt zodiac nice Egyptian ART      | \$9.99     |
| • God Osires Offering holy water EGYPTIAN ART | \$9.99     |
| • Wedding Thermonies of Ancient Egypt Papyrus | \$5.99     |

How does eBay deal with the three issues: exactly what is the object being sold?; does the seller actually own it?; will the purchaser pay?

For '*what is the object?*', the entry offers a description and photograph(s). The photographs, within the limits of Internet standard, strike us as remarkably good. Even though digital cameras are now cheap and easy to use, and transferring the image onto a web-page also straightforward, the time and effort involved seems to us very high for an object that may be worth as little as \$5.99. At current currency conversions these 15 lots total just \$527, and average only \$35. As a page with image(s) is created for every lot offered, can either sellers or eBay make enough for the commerce to be worthwhile? On 11 November, for example, item 1484227951 is a 'HUGE Cypriot 1000BC painted Handled Amphora', for which the first and only bid of \$100 has not reached the reserve; its page has two large and crisp photographs each of 480 × 640 pixels (Fig. 2). It is described as:

A monumental Cypriot amphoric form handled storage vessel, uniquely painted in geometric form motif, with absolutely great presence and stature standing 20 INCHES HIGH, and 16 inches handle to handle. This piece is just great is all I can say, SEE the jpg close-ups of the ancient surface wear on the painted decoration. GUARANTEED to be authentic, and at least 2500 years old. This am-



**Figure 2.** Photograph of 'HUGE Cypriot 1000BC painted Handled Amphora' offered on eBay.

phoric form beauty has the typical geometric style of painting in ceramic decoration of this period in Mediterranean Cypriot history. Very Rare as a large intact piece.

**Condition:** Appears to be completely intact and unbroken, with the typical surface wear, and some minor lip mouth chippage.

For '*does the seller actually own it?*', eBay offers support to encourage a trust in the seller which also supports confidence as regards '*what is the object?*'. Nearly all vendors have sold on eBay before, and the site provides cross-references to other items the same vendor has currently for sale. The HUGE Cypriot Amphora is offered by 'Vianova'; a link from it takes you to another page where Vianova's profile is proven to be good: 44 previous transactions are all reported in positive terms (e.g. 'Praise : honorable man, well packaged, would buy from again, thanks Vic AAAAAA++++++'; 'Praise: great item, great seller, easy transaction, thanks!'), with no neutrals and no negatives.<sup>4</sup> Another link takes you from the amphora to all Vianova's current items for sale, 46 which range from 'Early 19thc Huge Hunters Boar Head Tankard' (\$255) to 'German



MAX KAHRER 1917 Klosterneuberg Summer' (\$1025). In this way, you can see what the seller deals in, and what previous customers think of their experiences. Profiles are overwhelmingly positive.

Browsing eBay is free and available to anyone on the Internet. To sell, buy or contact others via eBay by e-mail requires registration, for which there is no charge but for which you must provide an e-mail address (and credit-card details as proof of identity if your e-mail address is with one of the 'anonymous' services like hotmail.com). In registering with eBay, you accept a user agreement which includes: 'eBay cannot and does not control the quality, safety, legality or accuracy of any item listed or any item description. Trading over the Internet has certain inherent risks; I understand these risks exist even if I take advantage of various tools offered by eBay in order to minimize the risk of fraud'; and 'I will not provide fraudulent information and I am solely responsible for any information I provide to eBay. I will comply with all laws applicable to my activities on the web site and with this Agreement. I will not sell any prohibited, illegal or infringing items on eBay.' No means is evident as to how these requirements are to be enforced.

There is no charge to browse, bid on, or buy items at eBay. There are fees to list and sell items. To list an item with a reserve over \$200 costs \$3.30, with additional charges between 10 cents and \$99.95 for special features such as photographs, bold type or special prominence to draw attention to your item. There is a further final value fee if the item is sold; it is 5 per cent of the sale price if that is less than \$25, reducing to 2.5 per cent for the portion between \$25 and \$1000, and 1.25 per cent for the portion over \$1000.

As a registered member of the eBay community one of us asked 'Vianova' by e-mail an obvious question about the pot: 'I know that a lot of ancient objects are said to be illegally excavated and illicitly exported from their country of origin. How can I be sure this pot was legitimately exported from Cyprus?' A 'Vic Showell' promptly replied:

The pot is on ebay. If you have a problem with it, email them. It has been in North America for a very long time, far before any laws or whatever mumbo jumbo you are trying to lay on me demanding who

and what and where I am and export laws to be concerned about. I just sold all kinds of pre-Columbian on ebay, with no questions asked. I got them from an estate sale lady, who got them from a collection, that got them from who knows where 50 years ago ... I legitimately bought the 'pot' as you call it, ... it is an amphora.

'nadeemkayani', seller of the Gandhara statue, is a new eBay user without either other items currently for sale or any previous transactions in their profile. One of us asked them by e-mail, 'I know that a lot of ancient objects are said to be illegally excavated and illicitly exported from their country of origin, especially Gandharan objects. What is the country of origin of this item? How can I be sure it was legitimately exported?' A 'Nadeem' promptly replied: 'I am not sure how to answer the question, I am selling this item for another friend. If you win the item all I can tell you is that the item will be sent to you and get there.'

As regards '*will the purchaser pay?*', or other ways in which the transaction may go awry, eBay has clear advice for the seller and will itself intervene under its 'Non-Paying-Bidder/Final Value Fee Credit Request Program'. Buyer and seller should be in direct contact within 3 business days of the listing's close. The seller should send a 'payment reminder' to the buyer after 3 days but not past 30 days. Then, if still unpaid, the seller should file a 'non-payment bidder alert' with eBay after seven days but not past 45 days of your listing's close. eBay then reminds the buyer of their obligations. If that fails, then the seller can ask eBay for a credit in respect of the sale commission due to eBay. The defaulting buyer receives warnings from eBay for their first and second offences; under a 'three strikes and you're out' rule, the third offence leads to an indefinite suspension, a suspension of a user's privilege to use the eBay site for more than 60 days with no definite reinstatement date. eBay states: 'Users who have been indefinitely suspended may not register with eBay during the suspension, nor may they use eBay's site in any way. Failure to abide by this restriction will lead to referral for criminal prosecution with the United States Attorney's Office for the Northern District of California.' With millions of registered users of eBay, one wonders if a suspended user might be tempted to re-register under a different e-mail address.



Other general auction sites, like its smaller rival QXL ([www.qxl.com](http://www.qxl.com)), operate much like eBay.

We are struck by the huge volume of business eBay does (or, strictly, the huge volume of business would-be sellers hope to do). There are more than 6 million items offered on an average day which, with a closing date of a maximum 10 days after opening for each item, means upwards of 600,000 new items offered every day.<sup>5</sup> This may explain why both the insertion fees and the commission on a successful sale is low.

On 19 July 2001, eBay reported a second-quarter turnover of \$180.9 million, an increase of 84 per cent over the previous year, and profit of \$24.6 million; 98.7 million auctions had taken place during the quarter, and eBay had 34.1 million registered users. Its share price on 9 November 2001 was \$56.95. In contrast, London-quoted QXL reported a first-quarter trading loss on 31 August 2001 of £8.5 (\$12.3) million on sales of £1.6 (\$2.3) million (that is, losses over five times its income). Its shares rallied to 6.25 pence, having been at £8 at the height of the e-commerce bubble and collapsing to under 1 per cent of the peak. eBay is expanding outside its original US base, and looks set to rule the world as the broad on-line market for everything, antiques included. Sotheby's (below) is not presently profitable, reporting on 13 November 2001 revenues for its first three quarters together of \$225 million and a net loss of \$41 million. Internet-related expenses were \$18.7 million, down from \$44 million the year before; the Internet-related loss seems to have been \$9 million, indicating Internet-related revenue of around \$10 million.

### **Sothebys.com: from the physical auction-room to the Internet**

Where eBay is a new venture of the electronic age, Sothebys.com is an extension into the electronic market-place of one of the old and dominant physical auction-houses. Sotheby's has had two separate Internet ventures. One, jointly with the Internet book-seller Amazon.com, was after a while folded into the other, sothebys.com.

The eBay opening page is a mass of colourful elements crammed into the screen, each intended to catch attention; sothebys.com is dif-

ferent in style, a cool and elegant design with, even, quite some white space (it is, also, much slower than eBay). From the opening page, you can go to catalogues of the physical auctions, future and past, which are electronic versions of the conventional printed catalogues, or to the electronic-only on-line operations within sothebys.com.

The sothebys.com section has 13 categories under on-line auctions, one of them 'Ancient and Ethnographic Art' (380 lots together on 14 November 2001) within which are 'Antiquities' (59 lots) and three other categories, 'African & Oceanic Art', 'American Indian Art' and 'Pre-Columbian Art', under which some American antiquities appear.<sup>6</sup>

Exactly what is the object being sold, in what condition, and is it what it purports to be? Here, the key asset is the Sotheby's name and reputation as a centre of expertise. These items are being sold through Sotheby's, and the seller is a Sotheby's Associate. There are detailed and lengthy conditions of sale<sup>7</sup> which parallel the lengthy conditions conventional in the printed catalogues of physical auctions. There is a specific provision to protect the buyer if the object turns out to be counterfeit, a deliberate modern forgery.

Does the seller actually own it with 'clean title', so the buyer will indeed then possess it? No specific statement is made in the conditions of sale; perhaps none is needed because, again, the status of Sotheby's Associate should provide reassurance.

As regards 'will the purchaser pay?', Sotheby's takes an active role. The buyer pays Sotheby's (rather than the Associate), and only when that payment has been completed will sothebys.com release the item and direct the seller to ship the item to the buyer. The conditions remind the buyer that making a bid is irrevocably to agree to buy if the bid is successful.

Browsing sothebys.com is free and available to anyone on the Internet. To buy or contact requires registration,<sup>8</sup> for which you must provide your real name, phone number, email address, credit-card details and other requested information.

The commission to sellers on sothebys.com, all of which are established Associates (above), is not stated on the site.<sup>9</sup> Buyers pay 15 per cent of the successful bid price up to \$15,000,



10 per cent of the balance above that figure.<sup>10</sup>

What kind of antiquities are sold on-line by sothebys.com, and how do they compare with what is offered at their physical auctions? Who by? What is their declared archaeological context and history? Of what value? To explore these issues, we analyzed what was offered for sale on sothebys.com in mid-2001, under the class of 'Antiquities'. On a series of dates between 11 May and 8 August we recorded some details of each lot offered, excluding those lots previously recorded and any lot which evidently had previously been offered under another lot number.<sup>11</sup> This totals 494 lots, of which 490 are antiquities.<sup>12</sup>

Fifteen of the lots will show the range,<sup>13</sup> with their estimates:

- ANCIENT EGYPTIAN BLACK  
STEATITE STRIDING RAM \$2500–3500
- Elegant Greek Black Skyphos  
(4th Century BC) \$600–800
- ANCIENT EGYPTIAN GREEN  
FAIENCE USHABTI OF HORU \$800–1200
- Lot of Two Luristan or Persian,  
Bronze Arrowheads, C. 800 BC \$400–550
- Roman Bronze and Enamelled  
Jewelry [7 items] \$900–1100
- Judaeon, Time of the Patriarchs,  
Lot of 5 Bronze Pins, C. 2200 BC \$500–750
- Judaea, Late Bronze Age Pottery  
Water Jug, C. 900 BC \$800–1000
- Egyptian Middle Kingdom Wooden  
Female Head (circa 2040–1640 BC) \$200–500
- Large Apulian Red Figure Bell  
Krater ca. 4th century BC; Attributed  
to the Circle of the Darius Painter,  
(possibly the Haifa Painter) \$18,000–20,000
- Greek Stemmed Kylix \$750–950
- Roman Engraved Gem Set in Ring,  
circa 1st-4th Century AD [ancient  
gem, modern ring] \$500–1000
- Roman glass Double-bodied  
Cosmetic Tube ca. 3rd century AD \$900–1500
- Greek Squat Lekythos, Geometric  
Period ca. 800-700 BC \$800–1000
- Large Ancient Egyptian Wooden  
Sarcophagus Panel  
XXIst Dynasty \$3000–4000
- ANCIENT GREEK BLACK-GLAZED  
LIP CUP, CIRCA 7TH/6TH  
CENTURY BC \$800–1200

## Characteristics of sothebys.com in relation to Sotheby's physical auctions *Sellers*

In their physical auction catalogues Sotheby's, and other auction-houses, are reticent about the names of sellers. For a few lots, the seller is exactly named. For most lots, the seller is unnamed or referred to in terms ('Property of a Lady', 'Property of a New York Collector') so general they are effectively unnamed. In a sample of 4201 lots offered in general antiquities auctions at Sotheby's New York over the past several years, 21 per cent of sellers were exactly named; 79 per cent were actually or effectively unnamed.<sup>14</sup> A long-standing characteristic of both New York and London physical auctions is that the dealers whose business is much of the market are never named when they are sellers.

Sotheby's on-line is quite different. For 12 lots, the seller is Sotheby's New York itself. For another 476 of the 490 lots (97 per cent) the seller is named. All of these are dealers, described as a 'Sothebys.com Associate', and in each lot a link is given to a page about the Associate, informing the browser about where the dealer is, and what kind of things they deal in. Generally there is a link to the dealer's own web-site. For only 2 lots is the vendor unnamed, with the lot reported simply as 'offered by a Sothebys.com Associate'. Table 1 shows the names of the sellers. Six account for 400 lots, 82 per cent of the total.

This pattern arises from the commercial structure of sothebys.com. Unlike eBay, it is not a public auction, through which anyone may offer something they wish to sell, but a collaborative venture under which only associates may sell. Associates gain access to sothebys.com under a commercial agreement by which the Associate undertakes to sell on the Internet only through sothebys.com.

## *Archaeology*

What are the find-spots of the objects? What are their archaeological contexts? For 92 per cent no indication of any kind is given (as against 97 per cent for the sample from Sotheby's physical auctions). For the 8 per cent for which an indication of find-spot is given, it is always general and imprecise — e.g. 'Probably from the Fayum', 'found in Judea', 'from Jerusalem', 'This rare and



**Table 1. Sellers on Sothebys.com, mid 2001.**

| Seller                         | Location                  | Web-site? | No. of lots offered |
|--------------------------------|---------------------------|-----------|---------------------|
| Adeon Gallery                  | Skokie (IL), USA          | no        | 2                   |
| Ancient World Arts Ltd         | Litchfield (CT), USA      | yes       | 6                   |
| Anthropos                      | Malibu (CA), USA          | yes       | 10                  |
| Arte Primitivo                 | New York (NY), USA        | yes       | 18                  |
| C J Martin Coins Ltd           | London N14, UK            | no        | 19                  |
| Chinalai Tribal Antiques       | Shoreham (NY)             | no        | 1                   |
| EAC Gallery                    | Roslyn Heights (NY), USA  | no        | 2                   |
| Fragments of Time              | Medfield (MA)             | yes       | 58                  |
| Harlan J. Berk, Ltd            | Chicago (IL), USA         | yes       | 2                   |
| Howard M. Nowes                | New York (NY), USA        | yes       | 49                  |
| Lindeau Gems                   | New York (NY), USA        | yes       | 1                   |
| Mark Goodstein                 | Staten Island (NY), USA   | no        | 60                  |
| Medusa-Art.com                 | Montreal, Quebec, Canada  | yes       | 9                   |
| Moorabool Antique Galleries    | Geelong (Vic.), Australia | yes       | 2                   |
| Paul Anavian                   | New York (NY)             | yes       | 89                  |
| Sands of Time Antiquities      | Houston (TX), USA         | yes       | 77                  |
| Sotheby's New York             | New York (NY)             | yes       | 12                  |
| Venus Galleries                | Jerusalem, Israel         | yes       | 61                  |
| Ye Olde Curiosity Shoppe       | South Orange (NJ), USA    | no        | 10                  |
| unnamed Sothebys.com Associate |                           |           | 2                   |
| <b>Total</b>                   |                           |           | <b>490</b>          |

attractive Lamp was found in Bethlehem' — rather than an archaeological context in the research sense.

### History

In respect of the history of the objects, when they were found and who previously owned them, sothebys.com is more forthcoming than are the physical auction catalogues. Just 3 per cent of items on sothebys.com first 'surface' when offered for auction with nothing at all said about their history, compared with the 69 per cent surfacing without any history at the physical auctions. For 49 per cent of items at sothebys.com, however, the history says little, as it so vague ('Property of a South-West Collection', 'Private Californian collection') or just confirms who the seller is ('Property of Venus Antiquities, Jerusalem' for an item being sold by 'Venus Galleries, Jerusalem, Israel'; 'Property from a New York dealer' for an item being sold by Mark Goodstein, Staten Island). For just one item of the sample of 490 is the history stated from or nearly from the ground: a 'Large Roman glass necklace' offered by Sands of Time Antiquities that was 'Excavated in Gazantep, Southern Turkey during the first half of the 20th century' (the same 0 per cent with history from the ground applies to the sample for the physical auctions). For 2 per cent a history is reported for the item back to a date before 1914

(compare 5 per cent in the physical auctions); for 12 per cent a history back to 1915–1944 (compare 3 per cent in the physical auctions); for 11 per cent a history back to 1945–1973 (compare 6 per cent in the physical auctions); for 3 per cent a history back to 1974–1986 (compare 5 per cent in the physical auctions); for 17 per cent a history back to a date since 1987 (compare 4 per cent in the physical auctions).

So more is said about history than is usual for physical auctions, but not of a kind actually to report what happened to the items and how they came to move out from beneath the ground and on to the market-place.

### Comparative material

Auction-houses sometimes mention comparative material, that is, similar items already known or published. Comparative material is mentioned for 11 per cent of items on sothebys.com, compared with 26 per cent at the physical auctions.

### Discussion

Neither eBay nor sothebys.com discloses the reserve on an item. eBay publishes the most recent bid and the bidding history; sothebys.com also publishes a high and low estimate of what a successful bid might be, as it does for physical auctions. This makes it possible to sketch the value of what is offered on sothebys.com: our 490 lots have a mean low estimate of \$1118 and a mean high of \$1652; the cheapest items have a low of \$100 and high of \$200; the most expensive item, an Apulian Red Figure bell krater has a low of \$18,000 and high of \$20,000; the median item has a low of \$800 and high of \$1000. These values set sothebys.com in the middle of the market, well below the physical auction rooms where estimates over \$100,000 are routine and



few items have estimates below \$1000, and well above eBay with its items going down to \$10 and below. As on eBay, sothebys.com allows a seller to fix a 'knock-out' price which, if offered, makes an immediate sale and the auction terminates; 31 per cent of items were available that way.

Are sothebys.com selling much of what they offer? There are bids for only 10 per cent of items when we have looked at them, and most of these are below, usually far below the low estimate. When we look, for example, there is not a single bid for any one of 76 lots of west Asian seals offered by Paul Anavian, New York. In that group of items most have 5 days to go before the auction closed. There may later be a last-minute flurry in the closing day or hours or even minutes, but from watching the site for a while we doubt that is the routine. And excluded from the 490 items we have logged are about 100 other items, in the same period, which appear to be the same object as had previously been offered now for sale again, after having failed to sell before. A certain portion of items failing to reach reserve and be sold is routine in auction-rooms, but the signs are that sothebys.com is not achieving as high a proportion of successful sales as is usual in physical auctions.

The range of items offered is typical of the lower end of the physical auction range, and also in light of the specialities of the not many — only 19 — Sotheby's Associates using sothebys.com in this period. The 61 items from Venus Galleries, Jerusalem, Israel (Authorized Antiquities Dealer License No. 144), for instance, are largely finds from Israel. Among the 58 items from Fragments of Time, Medfield (MA), are many items from the Diniacopoulos Collection, assembled 1910–1932 and 1954; it is, Fragments explains,

one of the most important Canadian antiquities collections of the 20th century. Fragments of Time, Inc. has been selected by the estate to assist with the disbursement of this collection. In cooperation with Sothebys.com, a few selected objects are being offered for on-line bidding. In addition, a full color catalogue featuring more than 100 objects from this collection is available on request at [WWW.FRAGMENTSOFTIME.COM](http://WWW.FRAGMENTSOFTIME.COM).

Other items from the same collection are at present appearing in the physical auctions of Sotheby's New York.

Set side by side, sothebys.com is a minnow alongside a giant; it is a specialized minnow, where eBay is unbounded.

Where sothebys.com may have 59 antiquities on-sale on any one day, eBay has of the order of 1300.<sup>15</sup> They are in different parts of the market, eBay at the bottom, sothebys.com in the middle (with Sotheby's physical auctions at the top). They operate in very different ways. sothebys.com is a tighter and more controlled operation: selling is restricted to its Associates; it takes more care — to judge from the descriptions for each lot — (or its sellers are induced to take more care) in describing lots; the financial transaction is conducted through sothebys.com. eBay is looser.

The charges are very different. At eBay, the seller has modest costs to insert the item, and then pays 5 per cent commission in respect of very cheap items up to \$25, then 2.5 per cent over \$25, 1.25 per cent over \$1000. The buyer is not charged. At sothebys.com the seller may also pay.<sup>16</sup> The buyer pays 15 per cent, then 10 per cent over \$15,000. If the charge to on-line sellers is much the same as it commonly is for physical auctions, then sothebys.com altogether takes up to 30 per cent or more, on the face of it more than 10 times what eBay receives for a transaction involving a \$999 dollar item. So sothebys.com needs to have very high prestige, and to be seen to provide a very superior place to sell it and to buy if it is to sustain itself in competition with eBay when its charges are so much greater.

Christie's, the other dominant player in the art auction-houses, has not created an electronic operation yet. Bonhams and Phillips, smaller players in London, merged in July 2001 under the ownership of the French luxury goods combine LVMH. With Sotheby's and Christie's embroiled in court cases in New York, where it has been proven they operated a cartel contrary to US anti-trust law, the stage is set for three auction combines to battle for the top of the market. They will have to move fast, and electronically well, if they are not to lose the bottom and the middle of it to the likes of eBay.

For those concerned with the other values of antiquities, these objects as precious evidence of other peoples at other times, a flourishing





**Figure 3.** Photograph of 'Gandhara Buddha Statue, Third Century AD' offered on *sothebys.com*.

electronic market is not a happy innovation. Auction-houses and their physical auctions promote the market in antiquities, which may be regretted, but they also have provided documentation and order. The catalogues are printed and provide a permanent record, even if the information is slight, of what was offered for sale. And the auction-houses provide a central and public place where all can know what is offered, and where the objects themselves are always physically present. The electronic market provides documentation only of a transient kind. One can (as we have in this study) look at an item offered on a page one minute, and then find just a minute later the page has vanished. We do not know if the on-line auction rooms archive their pages, or whether any other archive keeps them. And the objects are not physically produced, only referred to by photographs.

One encouraging sign was a direct statement in respect of illicit antiquities made to us by *sothebys.com*. When one of us asked *sothebys.com* about illicit antiquities, Scott Klarman of *sothebys.com* Customer Service rapidly and helpfully replied, 'It is both illegal and unlawful for any of our screened dealers to submit items that have been exported out of other countries illegally to post them to *Sothebys.com*.'<sup>17</sup> This is a good guarantee.<sup>18</sup>

Lindeau Gems, of New York, stands out from the routine sellers on *sothebys.com* for hav-

ing offered only one item, a 'Gandhara Buddha Statue, Third Century AD'. No archaeology or history is reported for it; its estimate is \$10,500 to \$14,000. Lindeau Gems, in its page as a *sothebys.com* Associate and its own web-site at [www.lindeau.com](http://www.lindeau.com), declares itself to be a specialist gem dealer in emeralds ('From the mines of Muzo and Chivor in Colombia' whence their emeralds have 'worked their way through perilous emerald trade to Lindeau'<sup>19</sup>), rubies ('Monghsu, is a gem mining area in Myanmar which sits in rebel territory. Guerrilla control of the area hasn't stopped the flow of rubies from mine to market. Most stones leave the country as contraband rough and enter Thailand at Mae-Sai, a rendezvous point between gem smugglers and dealers and sapphire'), and sapphires (from Sri Lanka, now 'the only steady producer of fine sapphires'). Lindeau's sole offering in antiquities is shown in four clear and large photographs, looking for all the world as if it has been recently hacked off its supporting surface (Fig. 3). Suppose one wanted to give the impression of an antiquity being offered that was looted. One might choose Gandharan, since Gandharan is notorious for the looters' interest in it. One might illustrate the piece as if recently hacked out of its sculptural setting. One might have it offered for sale by a company that does not normally deal in antiquities, but specializes in selling gems that are, as its own web-site declares, usually smuggled — and smuggled from the very region of the word where Gandharan antiquities come from! It is in respect of items like these that *sothebys.com*'s unambiguous statement, 'It is both illegal and unlawful for any of our screened dealers to submit items that have been exported out of other countries illegally to post them to *Sothebys.com*', will be material. (The tabulations of *sothebys.com* sales used in this article are to be found at [www.swan.ac.uk/classics/staff/dg/looting/](http://www.swan.ac.uk/classics/staff/dg/looting/) together with other material from our research.)

## Notes

1. Direct quotations from the sites and from e-mails are given here exactly as found or received. eBay does not correct spelling mistakes. Readers knowledgeable about site-names and technicalities will find them a bit haphazard as the sellers write them.
2. But nor does it permit the sale of everything it is legal to sell. After the terrorist attack on the World Trade Center, 11 September 2001, eBay banned sale of debris from the wreckage of the World Trade



Center and the Pentagon which was offered for sale immediately after the terror attacks. The first pieces of rubble, the London *Guardian* reported (13 September 2001), went on sale within an hour of the first plane crash: 'Many entries on the site call on fellow users to boycott items related to the attacks. "I am seeing this in happen in auction after auction, and it makes me sick! I applaud eBay for not allowing it to happen in many auctions by cancelling them. It seems that eBay is missing a few though," said one.' Staff at the company stepped in to remove the entries advertising the souvenirs.

*Culture Without Context* has previously reported on an alleged piece of ancient Egyptian pyramid offered for sale on eBay and the sale stopped after questions were asked about the item's authenticity and legality (see In The News *CWC* issue 5, p. 12)

3. eBay does not seem to organize what is put in which category.
4. A 'profile' reporting past customer experience with the seller is a common feature of sites selling over the Internet. See e.g. Amazon.com in respect of second-hand books sold through it, alongside the new books Amazon.com itself sells.
5. No wonder eBay was not able in policing its site to remove all souvenirs of the World Trade Center attack (previous note).
6. There are other categories, such as 'Ceramics & Glass' where antiquities could appear.
7. At <http://auction.sothebys.com/snN87a9c/conditions.html>. Also 'Terms of use' at [http://www.sothebys.com/about/as\\_terms.html](http://www.sothebys.com/about/as_terms.html).
8. Registration is permitted only by individuals or others resident in Australia, Austria, Belgium, Canada, Denmark, Finland, Germany, Ireland, the Netherlands, New Zealand, Norway, Sweden, Switzerland, the United Kingdom and the United States.
9. The charge to sellers at Sotheby's London physical auctions is 15 per cent up to £2000 (\$2900), then 10 per cent up to £60,000 (\$87,000), 8 per cent thereafter, plus 1 per cent for insurance, plus a charge for any illustration in the catalogue.
10. The charge to buyers at Sotheby's New York physical auctions is 20 per cent up to \$15,000, then 15 per cent up to \$100,000, 10 per cent thereafter.
11. Sometimes an object offered was described in similar terms to a previous lot, but not so closely as to be evidently the same object. These are included as separate lots on the study. It is possible a few will be the same object, offered more than once, and therefore counted twice in our tabulation.
12. The other four, such as a Russian icon and a Mammoth Bone necklace, are excluded from our analysis.

13. The full tabulation is available on-line at <http://www.swan.ac.uk/classics/staff/dg/looting/cantiq.htm>. These 15 examples are not the first 15 in our tabulation, as often a dealer places several lots together which then make a single block in the listing, but numbers 5, 10, 15, etc., within it.
14. Sotheby's London is even more reticent than is Sotheby's New York about who the sellers are.
15. See above for the proportion of items in the eBay 'Antiquities' category which are actually are antiquities.
16. See above.
17. E-mail to Chippindale, 17 June 2001.
18. However, in a further e-mail, Mr Klarman quoted a clause in the sale conditions which appears to concern legal export from the country where the item currently is, rather than to any previous export of the item from its country of origin.
19. Quotations from pages of [www.lindeau.com](http://www.lindeau.com).

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## Thailand theft

In April this year seven stone antefixes from a Khmer temple at Si Sa Ket in northeast Thailand were stolen from the local museum. Five pieces were recovered by Thai police soon after but two are still missing, similar in design to the two smaller of the recovered pieces shown on the left of the photograph. Three thieves were arrested and the police are hunting for a further three. It is rumoured that the antefixes were stolen to fulfil a 5 million baht (\$20,000) advance order.



Four antefixes from Si Sa Ket recovered by Thai police.



# The mystery of the Persian mummy

BBC2, 9 p.m., Thursday 20 September 2001

JENNY DOOLE

A wide audience was exposed to the true nature of the illicit trade in antiquities when the BBC's flagship science series, *Horizon*, devoted its 20 September documentary to 'The Mystery of the Persian Mummy'. The hour-long programme, which described how a mummy, apparently of an ancient Persian princess, was offered for sale on the black market, confiscated, studied and eventually proven to be a modern fake (see *In The News CWC* issues 7 & 8), highlighted the very worst aspects of the illicit trade: gigantic amounts of cash changing hands, increasing incidence of fakes and means through which they can be insinuated into the system, targeted approaches to major museums, misuse of genuine knowledge and scholarship, waste of precious resources and time, and the gruesome and horrifying lengths to which traffickers are prepared to go.

On 19 October 2000, Dr Asma Ibrahim, then curator of the National Museum of Pakistan, was informed by police that an illicit antiquity — a mummy with gold crown, facemask and chestplate, lying in a carved wooden box — had been impounded in the northern city of Quetta near the Afghan border. It had been traced after being seen in a video seized from an Iranian suspect in Karachi. The suspect, Ali Aqbar, maintained that the mummy had been found after earthquake disturbance at a desert site. He was trying to sell it on the black art market. Prices quoted during the programme ranged from \$11 million to \$30 million.

Two strands of investigation were necessary: first, into the background of the mummified woman, in the hope of better understanding her archaeological context and place in history; second, into the criminal activities which had led to her body being illegally offered for sale as an illicit antiquity. These two strands quickly became entwined.

## The mummy

Archaeologists were initially wildly excited about the mummy. Her gold chestplate was inscribed



Dr Asma Ibrahim and Charles Milroy unwrapping the 'Persian mummy' (© *Horizon*, BBC).

with a cuneiform inscription which implied a Persian origin, yet no evidence of mummification was previously known outside of Egypt. This discovery seemed to indicate that ancient Persians may have copied mummification techniques and applied them to their own nobility — and judging from the richness of this burial, with its gold adornments and stone, possibly alabaster, outer coffin this was indeed a woman of considerable social status. The inscription described her as Rhodugune, daughter of the legendary Persian king Xerxes about whom little is known. Other clues seemed to back up this identification: rosette motifs decorating the mummy are familiar icons at Xerxes' royal palace in Persepolis, southern Iran; images of seven Cypress trees, the symbol for the ancient city of Hamadan, were seen as important since the city is known to have been of sacred importance to Xerxes; and depictions of the chief Zoroastrian deity Ahuramazda also suggested an intimate link with ancient Persian royalty.

Closer study of the cuneiform inscriptions raised the first doubts. Although some mistakes could easily have been made by illiterate stone masons or goldsmiths copying the texts, grammatical errors, specifically mistakes in applying genitive endings to words, were difficult to explain. Use of the name 'Rhodugune' — a later Greek translation of the princess' original Persian name 'Wardegauna' was impossible to explain and experts concluded that inscriptions were fake.

X-rays and CAT scans of the mummy to establish methods of mummification also led to the same conclusion. Although this was apparently a ritual mummification — internal organs removed, hands crossed over chest, bandages and



resin applied in the usual way — some discrepancies were noticed. Specifically, the heart (crucially required to remain in the body according to ancient Egyptian burial lore) was not present, the abdominal incision made to remove internal organs was not only too large but in the wrong place, and the brain had not been removed in the way perfected by ancient Egyptian mummifiers. Furthermore, delicate tendons and ligaments which would have decayed over centuries were clearly intact. The discovery of pencil marks applied to the wooden coffin during construction confirmed — along with the other clues — that the whole package was a recent fabrication. The implications were deeply disturbing and became more so when it emerged that the woman, who had been mummified in the previous two years or so, had died a violent death during which her neck was broken and her lower right spine damaged by a blunt blow. It was impossible to tell if her injuries were the result of a tragic accident (after which her body was quickly looted from its grave and sold), or something yet more sinister. The police opened a murder enquiry.

### **The criminal investigation**

To perpetrate a forgery of this kind would clearly involve a team of people (some of whom had a good, probably professional or scholarly, knowledge of archaeology and anatomy), money, forward planning, and resources. The operation had been carried out in a hot country where bodies decompose quickly, so on acquiring a body the criminal team must already have prepared a lab and mummification equipment: half a ton of drying chemicals (bicarbonate of soda, sodium chloride and table salt), surgical implements, resins and bandages. The raw materials for the burial assemblage — gold, wood for the coffin (later radiocarbon dated to 250 years of age), alabaster — must have been expensively acquired and crafted.

Oscar Muscarella, expert in Near Eastern forgeries based at the Metropolitan Museum of Art, who recognized a typical forgers' mistake on the wooden box (an ancient depiction of the god Ahuramazda, known from a rock carving, had been directly copied, but with no true understanding of its meaning the forger had missed essential elements) believed that this fake most

likely came from Iran, well-known as a major production centre for counterfeit antiquities. This made sense since, unknown to the Pakistani authorities, Muscarella had in 1999 been approached by an Iranian called Amanollah Riggi, who sent him four photographs of the mummy. In a follow-up phone call a few days later, Riggi explained that he was acting as a middleman, had been advised to approach Muscarella by a professor, and had access to an extraordinary discovery — the mummy — of which he had a video. In the apparent belief that the mummy was genuine, he offered it to the museum.

The police are now re-arresting and re-interrogating known witnesses in Quetta and middlemen, in the hope of shedding further light on both the forging operation and possible murder. The woman, whose face was reconstructed during the programme and is characteristic of inhabitants of the border region of Pakistan and Iran, remains unidentified but can at least now be buried in decent Muslim tradition.

### **Chilling conclusions**

Dr Ibrahim and the scientists investigating this sad history were clearly shocked and upset at the sordid lengths to which forgers had gone to create a fake antiquity. Charles Milroy, consultant pathologist said: 'It is a crime, whether or not it was a murder, it's immoral, it's unethical and it is illegal'. But should we be surprised that such gruesome depths are now being plumbed to feed demand for illicit antiquities, when astronomical sums are involved and dealing in unprovenanced antiquities is still regarded as acceptable in some quarters? Nor can we reassure ourselves with the fact that this was an isolated incident. Since then, two more so-called Persian mummies, ritually embalmed and adorned in the same way, have apparently surfaced on the international market for \$6 million. The BBC investigation concluded with the 'chilling possibility that hidden away in this wild border land is a mummy factory and the prospect of more victims'. We can only wonder how many of these terrible creations may have already been secretly sold to collectors and institutions less well-informed and less scrupulous than the ones seen during this eye-opening documentary.



## In the News

JENNY DOOLE

### Thefts in India

- A well-organized gang is believed to be plundering 2000-year-old archaeological sites in **Andhra Pradesh, India**. Reported thefts from the important, but remote, Buddhist stupa of **Chandavaram**, include:

- *9 October 2000*: **Two nine-foot long panels**, one decorated with a carving of the Bodhi tree, the other with the chaitra or Buddhist umbrella, were **ripped from a cement platform** at the site museum.
- *2 February 2001*: In a planned raid, robbers arrived in a tractor, tied up two watchmen and removed **three nine-foot pillars**, one with a representation of the Buddha as fire, from the remote site of **Gundlakamma**.
- *23 March 2001*: After two police constables guarding the museum left for lunch, two watchmen were injected with immobilizing sedatives allowing the gang to make away with **three more decorated pillars and a lotus medallion** in broad daylight.

Archaeologists have since decided to remove antiquities from the site to a more secure location in Chandavaram village, although worries have been expressed about possible damage to the important pieces due to lack of adequate storage conditions.

- Valuable antiquities from the ancient fort of **Timanpur, Karauli district, Rajasthan** have apparently been looted for several years, and transferred to **dealers in Delhi and Mathura** who are part of an international smuggling chain. From there they were sent out of the country, allegedly with the connivance of custom officials in Delhi. *The Daily Pioneer* (20 November 2001) reports that the operation was discovered when **a man was arrested with an 800-year-old ashtadhatu statue** of Surya,

weighing nearly 50 kg and stolen from the site six months ago. The newspaper goes on to highlight the **difficulties surrounding the investigation** of the theft, with obstructive involvement from some senior politicians and influential parties, and says that the police have a suspiciously poor record for recovering such artefacts, with only 8 confiscated in the last 40 years. **Looting and smuggling** of antiquities is apparently the **main source of income** for inhabitants of the six villages in the area, and has **increased markedly** during recent drought conditions. Activities are apparently divided between family and caste groups with a certain section of the community utilizing their digging skills, and others taking responsibility for paying middlemen.

### University thefts

On or around the night of 27 July 2001, **21 prehistoric Native American Indian vessels**, stone spear points, and replicas of painted pebbles (most from Caddo Indian sites in northeast Texas, some from southwestern USA) were **stolen from the Texas Archaeological Research Laboratory**. A reward of \$10,000 has been offered for information leading to the arrest and conviction of whoever stole the objects, all of which were marked in ink with site numbers and accession numbers. Further information, including photographs of many of the pottery pieces, is available on [www.utexas.edu/research/tarl/theft.html](http://www.utexas.edu/research/tarl/theft.html)





## Crisis in Crimea

*The Art Newspaper* (October 2001) reports an **escalation of looting and treasure-hunting of ancient Greek sites in the Crimea**, southern Ukraine as, since the fall of communism there nearly ten years ago, looters have become aware of massive demand for antiquities in the West. At the same time economic factors, such as increasing unemployment and low salaries, and also reduced policing have exacerbated the situation. Spectacular finds by archaeologists, like those of Dr Viktor Zinko in the city of Kerch, have increased international awareness of the historical riches of the area and whetted looters' appetites. Some facts emerging from the report include:

- looters responding to increased demand from private collections;
- grave sites being illegally dug at the Russian city of Krasnodar near Crimea;
- frequent reports of Ukrainian customs officials impounding illicit antiquities;
- antiquities smuggled from Kiev and Moscow to New York and London;
- Scythian gold found in southern Russia allegedly sold to an Englishman for about \$1000 per piece, but worth much more;
- a survey of respectable dealers in ancient Greek art of New York's Upper East Side which indicated that few Greek items from Crimea and Ukraine were on sale, though all galleries said they knew of channels through which they could get hold of such material.

Reviewing the situation in Kerch, Dr Zinko registers his despair over the destruction of ancient history, and emphasizes that proper development of the exciting sites archaeologists have excavated, rather than the present policy of backfilling, could **generate tourism and income** which would support the city and archaeological research.

## International conference

A four-day **international conference** entitled 'Illegal Traffic in Archaeological Artifacts:

Globalization of the Phenomenon' was hosted by the Cultural Heritage Ministry and the Carabinieri in **Rome, Italy** in June. Police and heritage officials from countries including Egypt, Tunisia, Cyprus, Guatemala, France and Italy as well as dealers and lawmakers from UK, US and other market countries were in attendance.

## Chinese arrests

**Seven farmers**, arrested in China, have confessed to **robbing nine Ming and Quing Dynasty tombs** in the suburbs of Beijing. **Ancient silver and jade artefacts** have been found in the robbers' temporary lodgings and police are investigating further.

## News from Angkor

Officials from **Apsara**, management authority for Angkor and the Siem Reap region of Cambodia say that although they still **lose something to looters every day**, their situation is better than elsewhere in the country. It is suggested that Apsara could be more effective if they had full authority for Angkor, without the involvement of the military.

## Discovery and loss of Gandharan cultural heritage

- Zainul Wahab, a PhD student claims to have discovered an important new **Gandharan site** in the **Lakkar area of Mohmand Agency**, on the Pakistani-Afghani border. Influential local Maliks and tribal elders have been requested by the government and Wahab to **prevent looting of the site** before it can be officially designated a major heritage area.
- Dr Ihsan Ali, speaking at a three-day workshop on Conservation and Museology at the University of Peshawar (May 2001), spoke



of the **desperate situation facing archaeology in northwestern Pakistan** where lack of funding and subsequent staff shortages make it difficult to curb widespread illegal excavations and conserve antiquities, even though the expertise is available. He highlighted his points with the example of an **ancient pot containing 10,000 rare bronze coins, looted** and found for sale in Lahore for just Rs10,000 (about £110). Only the pot was recovered.

- In the *Art Newspaper* (June 2001) Robert Kluyver of SPACH (Society for the Preservation of Afghanistan's Cultural Heritage) describes his visits to **antiquities dealers in Peshawar**, Pakistan when he was offered batches of well-made but **fake Gandharan material** and many real items, including boxes of seventeenth-century Bamiyan frescoes, Roman glassware, stucco Buddha heads and stone Buddhist bas-reliefs all from Afghanistan. He points out the irony of the fact that recently, in the light of the Taliban's edicts to destroy all 'idolatrous' images, these dealers in ancient material plundered from archaeological sites and museums have in some quarters been said to be saving Afghanistan's cultural heritage and goes on to speculate whether such images, especially those in Kabul Museum were in fact destroyed. If they were, insiders say it was not done in public and no traces of debris were seen in the museum. The first-century treasure of '**Bactrian gold**', possibly worth hundreds of millions of dollars and thought to have been hidden in the vaults of the National Bank in Kabul was said to have been offered by the Taliban to their sponsor Osama bin Laden as collateral.

## Schultz indictment

In July, **Frederick Schultz**, president of the Frederick Schultz Ancient Art gallery in New York, and former president of NADAOPA

(National Association of Dealers in Ancient, Oriental and Primitive Art), was **indicted in a Manhattan court** on charges of conspiracy for **allegedly trafficking in antiquities illegally removed from Egypt**. The indictment argues that Schultz purchased Egyptian antiquities from a '**Co-conspirator 1**' (according to *Art and Auction* magazine September/October 2001; widely believed to be convicted British antiquities smuggler Jonathan Tokeley-Parry: see In The News *CWC* issues 1, 4 & 6) who travelled to Egypt between 1990 and 1994 purchasing ancient artefacts from farmers and builders and illegally exporting them. It is argued that Schultz bought consignments allegedly knowing their origins and sold them claiming they had come from old collections such as the **Thomas Alcock collection**. Among the items allegedly obtained illegally were a **head of Amenhotep III**, which was sold for approximately \$1.2 million and a Sixth Dynasty limestone figure which offered for \$825,000. Supporters of Schultz claim that Tokeley-Parry (if it was he) misled the dealer into believing objects did come from old English collections. One possible avenue for the defence may be to **challenge the legal precedent** set in the 1977 case of *United States v. McClain* when the US Court of Appeals used Mexican rather than US law to define what constituted stolen archaeological property. If convicted of conspiracy Schultz faces a maximum sentence of five years in jail, and either \$250,000 in fines or twice the gross gain or loss resulting from the crime, whichever is greater.

## Italian developments

- August: A court in Enna, Sicily gave 80-year-old **Renzo Canavesi di Sagno** a **two-year jail sentence and L12.7 million fine** for his part in smuggling the so-called **Getty Goddess**. The 2500-year-old marble statue of Aphrodite was found by a pensioner (who was spared jail in return for helping investigators), stolen from Morgantina in 1970



and transported to London via Switzerland, where it was bought for £7.5 million from an unnamed dealer by the J Paul Getty Museum of Malibu. In the 1980s Canavesi di Sagno received £290,000 for arranging shipment to the dealer in Switzerland. Only the statue's feet, hands and face are now considered genuine, her **bust and legs are fakes** believed to have been commissioned by looters from a Roman forger in 1972 to increase the value of the piece. The statue was returned to Italy in 1999.

- The **Carabinieri** recently **retrieved a Roman statue of Diana from the US** after a seven-year international investigation.
- In July, **29 people** (including housewives, bank tellers and labourers) were **arrested** under suspicion of **smuggling bronze statues, ancient coins and artefacts** worth £13.2 million.

## Television award

In September the Swedish Television documentary '**On the Trail of the Tomb Robbers**' (See *CWC* issue 7 but note that the programme was shown on Channel 2, not Channel 10) was awarded the prestigious **Prix d'Italia** television award in a competition open to contributions from European countries. **The jury unanimously chose the programme**, entered under the title 'Heritage for Sale', because of the strength of its investigative journalism and importance of its subject matter, praising the strong narrative and clever irony with which its message was delivered.

## UNESCO underwater convention

On **2 November 2001** the Plenary session of the 31<sup>st</sup> General Conference adopted the **UNESCO Convention on the Protection of the Underwater Cultural Heritage** (see Edi-

torial, p. 3) by 87 affirmative votes. Four states voted against, 15 abstained, and the United States, an Observer, gave a statement of its views.

## Illicit antiquities in Greece

- Greek newspaper *Kathimerini* (6 September 2001) reports **growing concern that archaeological sites and museums in the country are vulnerable** to thieves owing to lack of security personnel and systems.
  - From 1987 to early 2001 the fraud squad and department responsible for illicit trade in antiquities reported **23,007 ancient artefacts impounded** from traders.
  - **Coins are easiest** to steal because they can be easily hidden, and 12,504 ancient Greek, 1697 Byzantine and 357 Roman coins are known to have illegally entered the antiquities markets, the majority originating from Macedonia.
  - **Appointment** of daytime guards for museums has been **frozen** since 1995 and of night guards since 1992.

It is hoped that planned injections of funds before the date of the 2004 Olympics in Athens may improve the situation.
- In July police confiscated a **marble statue of a bull** which had been looted from the **Vravona area**, near ancient Brauron, eastern Attica. **Three men were arrested** in a coffee shop in Markopoulo where they were allegedly waiting for a buyer.
- Between 13 August and 9 September 2001, **ancient objects** (including at least seven 17 cm tall marble statuettes of females and sphinxes hacked from a throne), were **stolen** from a **royal tomb in Vergina**, northern Greece. The fourth-century BC tomb of **Eurydice**, mother of King Philip and grandmother of Alexander the Great was excavated by Manolis Andronikos in the late 1970s, is not open to the public and is visited only by officials in the presence of



archaeologists, or by maintenance staff for a monthly humidity check. Evening shifts for 24-hour day guards had recently been abolished during the summer owing to staff shortage. There was no sign of a break-in, the theft being discovered during an official tour. **All the objects had been photographed** which it is hoped will make any potential sale more difficult.

- *October 2001*: In one of the richest seizures of illicit antiquities by Greek police in the last decade, **several hundred metal, terracotta and stone objects** ranging in date from seventh century BC to the Middle Ages were **found buried in the yard of a holiday house in Apsalos**, near Pella, central Macedonia, belonging to a 42-year-old record shop owner, and further objects impounded from his home in Thessaloniki. The man said the extraordinary collection (including bronze helmets, axes, spearheads, a fragmentary shield, jewellery, 1718 silver and copper-alloy coins, a probable forgery of a Cretan 'goddess' figurine, and 1000 pottery fragments) were the **product of 20 years of excavating and collecting**, and were mainly from Macedonia with some bought from foreign antiquities smugglers. Police are looking for accomplices.
- **Vassilis Zacharatos was charged with illegal possession of antiquities** on 17 October when seventeenth- to nineteenth-century AD icons were found in his Athens optician's shop. More icons, and silver and copper-alloy Classical, Byzantine and Egyptian coins were also found at his home.



## Agreements and returns

- A ceremony in Seattle, USA on **2 August** marked the **return of hundreds of pre-Columbian artefacts to the governments of Mexico, Peru and Panama**. The items were among a seizure of over 900 objects originally confiscated by Seattle US Cus-

toms special agents from **Frank Stegmeier** (see In The News *CWC* issue 7), who was charged under the National Stolen Property Act with transportation and sale of stolen items valued at more than \$5000. Stegmeier escaped, was returned to the US from Panama in 1998, and subsequently negotiated a **civil Settlement Agreement** with the governments of Mexico, Peru and Panama under which terms the material is being returned.

- In June, the US Customs Service announced the **recovery and return of archaeological material from El Salvador**, valued at \$100,000 and including pre-Columbian polychrome pottery which had been seized at point of entry in San Francisco. The return was the first to take place under the terms of the bilateral Memorandum of Understanding between the governments of USA and the Republic of El Salvador signed in 1995 and amended in 2000.
- Following **legal action in civil courts** in the UK begun in 1997 by the Iraqi Interests Section, an **agreement** has finally been reached regarding a **piece of relief looted from the Palace of Sennacherib, Nineveh** (see *CWC* issue 1). The alabaster carving had apparently been bought in good faith by **Sholom Moussaieff** from **Geneva dealer Nabil Asfar** (see In the News *CWC* issue 3), and was later recognized in London when Moussaieff applied for an export license to take it abroad. **Four other Sennacherib pieces** which had also been noticed on display in the palace on Kouyunjik in 1995 are **still missing**.
- A first-century BC **marble bust of Roman Empress Livia**, discovered in the possession of New York dealer **Robert Hecht** when it was offered for sale in 1995 has been **returned to Butrint, Albania**, the site from which it was excavated during Luigi Ugolini's excavations between 1928–31 (whose excavation area is now pitted with



looters holes). The bust was stolen from the site museum in the early 1990s (museum thefts were one symptom of the turbulent times which marked the overthrow of communism in Albania in 1991) and **smuggled through Greece or Switzerland** to the USA. After years of civil unrest, this return was finally organized by the Directors of the new International Centre for Albanian Archaeology with the help of the Albanian Embassy in the USA and Hecht and will remain at the Institute museum in Tirana, until Butrint museum is renovated. Some other objects looted from Butrint in the early 1990s, were later seized by Greek customs authorities and **await repatriation from Thessalonika** while at the site itself the **Butrint Foundation, with grants from the Miflin Trust, is organizing security patrols and developing educational programmes** emphasizing the importance of local archaeological resources in terms of tourism revenue and future economic development.

- The **British Museum** facilitated the return to Sudan of a **stolen ancient Egyptian statue** after Derek Welsby, assistant keeper in the Department of Ancient Egypt and Sudan was asked to appraise it by a Sudanese man describing himself as a medical doctor resident in the Midlands for six years. The carving in hard, black stone of Heqaemsasen, a seated mid fifteenth-century BC viceroy, is 20 inches high and believed to be worth about £10,000. It seemed unlikely that it had been exported legally, and the man — who claimed he had been asked to bring it to Europe for sale by a friend who had excavated it near Barkal — said he had got it through Khartoum airport by bribing customs officials and placing it in his wife's luggage so that he would not be caught in case of discovery. Welsby, left in temporary possession of the piece, identified it as having in fact been excavated by American archaeologists in 1916. It was **stolen from the new Khartoum National Museum, the Jebel Barkal in 1995**. Although arrested

by Scotland Yard, the man attempting to sell the item was later released due to lack of evidence.

- **July: Egyptian officials announced the return of a carved stone head**, possibly depicting Nineteenth Dynasty princess Merit or Queen Nefertiti, which had been **smuggled to Britain by Jonathan Tokeley-Parry** during the 1990s (see In The News *CWC* issues 1, 4 & 6). The piece was traced with help from Scotland Yard and Egypt continues to work with the FBI to recover other items from the US. Objects stolen by Tokeley-Parry are also believed to be in Switzerland.
- **August:** Following interventions by Dutch archaeologists, the **Metropolitan Museum of Art, New York returned to Egyptian authorities a 3300-year-old limestone engraving** of Pharaoh Seti I feeding a child, which had been stolen from a store room near the Pyramids about 60 years ago.



## Museum matters

- The *Fort Worth Star-Telegram* (17 August and 2 September 2001) and *Fort Worth Weekly* have been asking questions about a **white alabaster statuette** of a male figure carved in Sumerian style which was bought (but not displayed) by the **Kimbell Art Museum** in Fort Worth late last year for \$2.7 million, but subsequently **returned to the sellers (the Abutaam brothers of Phoenix Soho dealership in New York)** for an 'amicable' refund. There is confusion as to how and why this situation arose, which has resulted in the *Weekly* branding Timothy Potts, director of the Museum as 'secretive'. Potts went to considerable lengths to trace the provenance of the piece (which apparently stretched back to a connection with a European museum in the 1950s) before the purchase but it is alleged that the sale was rushed through (possibly to get a discount)



and problems arose afterwards — although whether these related to the origin or authenticity of the piece (or its provenance) is not known. Potts emphasized the inherent difficulties in authenticating ancient stone artefacts, and maintains that ‘the major consideration in this case was our assessment of what this object would contribute to the Kimbell’s collection compared to other outstanding acquisition opportunities that had come along since its purchase’. (It has not yet been made public what these acquisitions opportunities were.) Whatever the truth about this particular object the affair, as Andrew Marton, art critic of the *Star-Telegraph* points out, highlights both the ‘**highly secretive nature of the international art and antiquities market**’ and the current pressure on institutions, whether private or public, to set a good example.

- **Manus Brinkman**, Secretary General of ICOM (International Council of Museums) was also adamant in an interview with the *Art Newspaper* (September 2001) that **museums must set standards with regard to illicit traffic issues, and also raise awareness**. He cited the Nok terracottas purchased unethically by the Quai Branly collection and now on display in the Louvre (see In The News *CWC* issue 7) as a controversial example and discussed the **moral complexities of ‘saving’ looted material** smuggled out of war-torn Afghanistan.
- Melik Kaylan, writing for *Forbes.com* (18 July 2001), draws attention to the alleged history of a sixth-century BC **sarcophagus** made of terracotta, decorated in the style seen on artefacts from Clazomenae near modern Izmir, Turkey and now in the collection of the **J Paul Getty Museum**, Malibu. Kaylan argues that before its acquisition in 1997 by controversial former curator **Jiri Frel**, the object’s history is unknown (certainly the Getty Museum has not published any clues) and some believe it to be the result of the first episodes of illicit

digging at **Clazomenae** in the mid to late 1970s (the second coincided with official excavations from 1979 onwards). It is alleged that the piece was **smuggled through well-known routes via Munich**, largely controlled by the ‘Munich Mafia’ who are described as ‘a loose confederacy of Turkish smuggling groups’ in the city. Major names are mentioned as the alleged broker and restorer. The Getty Museum responded to the allegations, claiming there is no basis for questioning the provenance.



## Reports from Peru

- The **Gold Museum in Lima**, Peru closed in July following reports that **up to 85 per cent of objects** in its famous, largely unprovenanced collection, said to be amassed from burial sites and other excavations, **may be fake**. The daughter of founder Miguel Mujica de Perez-Palcio, said that the institution had already, during the last six months, **identified 2300 (10 per cent of the total) modern forgeries**. She added that unscrupulous sellers had taken advantage of her father’s old age and failing eyesight. A spokesman for Peru’s Consumer Protection Commission indicated that, if the claims were true, the **museum may not meet the necessary conditions** to be classed as a museum, and added that experts from the Catholic University, Lima are now studying the artefacts.
- In June **Aero Condor**, the Lima-based airline which provides most tourist flights over the Nazca Lines in southwestern Peru, was set to launch the **Nazca patrol**, a partnership with local police to track and catch tomb robbers using brand new ultra light aircraft. Tourism companies which make their livings from the Nazca remains are said to be increasingly worried about the effects of widespread archaeological looting on their livelihoods. Local Peruvian archaeologists and police have been trying, with



virtually no resources, to research and protect the area, but **looting has escalated in recent years** to such an extent that tomb robbers apparently do not even try to hide their activities. The *Washington Post* (20 May 2001) reports one incident when two thieves were seen ripping open a 2000-year-old Nazca tomb near Cahuachi in broad daylight and blames recession and record unemployment as one reason for the increase in illegal excavation.

- In May a c. 4500-year-old **skull was stolen** from Peruvian archaeological excavations of ruins near **Caral** 120 miles north of Lima.

### Smuggler's story

Speaking to *Newsweek* magazine (May 2001) in an article entitled 'Just out of jail: a smuggler's story', **Jonathan Tokeley-Parry** (see In the News *CWC* issues 1, 4, 6 & above) argues that his activities, which involved smuggling ancient artefacts out of Egypt disguised as cheap souvenirs, were **acts of preservation**. Using the example of the Elgin Marbles, he says that had done what he did a century ago, he would have been knighted. Now out of jail, Tokeley-Parry is apparently writing his memoirs and afterwards may return to work on an unfinished doctoral thesis on ethics.

### Tales from the USA

- David Pollack, archaeologist for the Kentucky Heritage Council, estimates that **90 per cent of the 15,000 known prehistoric sites** in the state have been **damaged by looters**.
- The scale of looting nationwide in the USA is such that the US Geological Survey is now **omitting archaeological sites** from new editions of topographical maps.

- **Modern technology**, such as radio-relayed infrared heat sensors, metal detectors and motion sensors are being used in **Mammoth Cave National Park and Big South Fork National Recreation Area**, Kentucky, to alert park officials when looters are in action.

- Brad McDougal, a federal criminal investigator staked out **Mammoth Cave**, in Western Kentucky during the summer and **caught a looter**. But in four hours digging it is estimated that the man destroyed 4000 years of stratigraphy.

- In July, Kentucky man **Sean Long was sentenced to two months of house arrest**, 18 months of probation and 100 hours of community service, having admitted to **trafficking in human remains of Native Americans**. He was arrested the morning after offering to sell three skulls, more than 2000 years old, to undercover FBI agents for \$900. The agents bought one and later confiscated the others along with about 50 grave goods. During the investigation Long talked of conducting **frequent excavations of Indian burial grounds**, and had even videoed a **1999 looting trip to Pilot Rock** although he pleaded guilty only to charges of selling the skulls. It was the first time federal prosecutors in Kentucky had used the Native American Graves Protection and Repatriation Act (NAGPRA) and only the fourth time the Act had been used in a criminal prosecution east of the Mississippi. The prosecution was welcomed by Preoria tribal chief John Froman, but condemned by Long's supporters who believe him to be the victim of a bad law and overzealous prosecutor. The skulls and grave objects will be reburied by Preoria tribespeople.

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*Newsweek*  
*People's Daily*, China  
Reuters  
*Staffan Lunden*  
*The Times*  
UNESCO  
University of Texas  
US Customs Service  
US Department of State  
*Wall Street Journal*  
*The Washington Post*  
Yahoo! news

## Time crime: protecting the past in the United States

ROBERT HICKS

Slack Farm in rural Union County, Kentucky, was known to contain beneath its ploughed soil an important Native American village, a community of wattle and daub houses that, between 1300 and 500 years ago at the confluence of the Wabash and Ohio rivers, supported acres of maize, beans, and squash throughout the floodplain. Although relic hunters visited the site, the Slack family, who had owned the farm for generations, prohibited relic hunting.

But succeeding owners did allow it. In the late 1980s, several men paid the new landowner \$10,000 (about £6500) to lease digging rights between planting seasons. The men sought Native American artefacts attractive enough to sell profitably and to obtain them they bulldozed the site. Their digging pushed aside centuries of a people's history — their tools, potsherds, hearths, and houses — while leaving modern debris, particularly soda and beer cans, among the artefacts. Significantly, the men disturbed or destroyed around 600 graves.<sup>1</sup> Aerial views of the bulldozed site, which aired on national television, showed a pockmarked landscape described by many as resembling a World War I battlefield.

Kentuckians were most disturbed by the desecration of graves but they were also disturbed

by the inability of Kentucky law to cope with the damage and theft. The men could only be charged under state law with 'desecration of a venerated object', a misdemeanour. Federal law, owing to the Archeological Resources Protection Act (ARPA), managed felony indictments through its interstate commerce provision (discussed below). This incident triggered a legislative change: as a result of Slack Farm, state law was amended to recognize grave desecration as a felony, a crime punishable by imprisonment in a state penitentiary. Each state has its own criminal laws which vary across the United States in the degree to which they protect the past. In recent years, however, the United States government has created laws that for the first time offer enforcement teeth to heritage protection.

### Who are the looters?

Relic-hunting has been and continues to be a vigorous pastime for some and a commercial enterprise for others. Interest in popular history has soared in the United States. Local history has become a do-it-yourself industry: people untrained in academic history search through local records to construct their genealogies. They collect rock albums, Victorian mourning jewellery, and salt and pepper shakers, thus creating a multi-million-dollar market for objects variously described as historic, antique, or merely nostalgic. The high prices attached to some artefacts on the commercial market inevitably invite criminality.



People who illegally hunt relics — the looters — display a range of motivations but a new class of entrepreneur has appeared, the investor. The investor has no particular interest in history but sees artefacts solely as commodities that can be bought and sold for a profit (Table 1). Law-enforcement authorities maintain that collecting and investing interests outside the United States, notably in Germany and Japan, have fuelled looting particularly for Native American artefacts. Germans and Japanese buy approximately \$20 million (£13 million) in Native American artefacts yearly; Civil War belt buckles fetch over \$10,000; a Native American pot from the southwest United States sells for \$400,000 (£270,000). 'If it's old, it can be sold.'<sup>2</sup> Internet auctions pose a new threat: millions of artefacts, some advertised as illegally obtained, sell daily, attesting to a burgeoning market. The local looter can sell to a world-wide audience.

In the United States, looting has afflicted all federal properties, particularly national parks and forests. Federal law enforcers, though, are handicapped in that they are spread thin. One officer in the national parks may patrol millions of acres. As a result, much looting goes undetected and unpunished. A recent handbook on criminal investigation states:

Archeological resources are nonrenewable: when they are looted or vandalized, the information they contain is lost forever. The looting of archeological sites in the United States is happening on a vast scale. Stated bluntly, part of our history has been, and continues to be, stolen.<sup>3</sup>

The nature of looting in the United States resembles that of many other countries. In some places, looting is an accepted multigenerational problem, a part of local culture. In other cases hobbyists, ignorant of the law, may trespass and loot unwittingly (Fig. 1). Professional looters, though, adopt countermeasures to avoid detection. They carefully plan their illegal excavations, studying archival or library materials and topographical maps. If the sites are remote, looters may reach them by horseback, all-terrain vehicles, or by foot.

Looters observe law enforcement patrol behaviour and may appear on sites when law enforcement presence is low or hampered: at night (with the full moon to illuminate digging),

**Table 1. Monetary value of artefacts.** The American Civil War figures compare the highest prices paid for the excavated artefacts in the listed categories for 1988 and 1995. (Source: various editions of Nancy Dearing Rossbacher (ed.), *The Civil War Collector's Price Guide*, Virginia, Orange.) The prices given for Native American artefacts represent the highest prices known to have been paid for the listed items. (Source: federal law-enforcement officials.)

#### Monetary values: artefacts

##### 1. Civil War artefacts (Highest known price paid per piece; all items are 'dug'.)

|                              | 1988   | 1995     |
|------------------------------|--------|----------|
| Plates and buckles           | \$2600 | \$13,500 |
| Canteens                     | \$2500 | \$4500   |
| Cap, cartridge, pistol boxes | \$1300 | \$9500   |
| Knives                       | \$450  | \$6000   |
| Revolvers                    | \$450  | \$45,000 |
| Bullets                      | \$130  | \$250+   |
| Buttons                      |        | \$4000   |

##### 2. Native American artefacts

|                        |           |
|------------------------|-----------|
| Pottery                | \$400,000 |
| Baskets                | \$180,000 |
| Carved stone objects   | \$15,000  |
| Rare or unusual points | \$10,000  |



**Figure 1. Members of the Reed Creek Archaeology Club illegally excavate the graves of Native Americans in Wythe County, Virginia (site designation 44WY25). Virginia requires either a court order or a state permit to disturb burials, neither of which the club possessed. The object of the excavation was to recover ornamental artefacts buried with the dead. A joint FBI-Virginia State Police investigation ended the amateur excavation which resulted in criminal convictions of three men. This photograph was confiscated from the looters. (Photo: Virginia Department of Historic Resources.)**

during inclement weather, or on holidays. To further avoid detection, looters may post lookouts or use watchdogs, employing radio scanners to track nearby law enforcers. They wear camou-



flame clothes and may camouflage their equipment by painting shovels or metal detectors black. More sophisticated looters carry with them not only shovels and metal detectors but also probing rods (to locate graves or artefacts by detecting changes in soil density) and sifting screens. Enforcement officers have caught some looters bearing false identification or forged permits or even wearing fake park ranger uniforms. Near or on the looted site, the thief may store tools, supplies, or contraband artefacts for later retrieval.

Once the looter finds artefacts, he or she may sell the items directly, through a dealer, or through an investor who has only a few clients. Importantly, though, law enforcement officers cannot presume that looters, by virtue of the kind of crime they commit, are benign hobbyists. Sometimes looters are armed and may fire at an officer.

### Applicable laws

Recent federal laws and a concomitant enforcement effort — taught to law enforcers, prosecutors, and archaeologists through the Archeological Resources Protection Program conducted by the Federal Law Enforcement Training Center (FLETC) in Georgia — have spurred investigations and prosecutions. Both the laws and the course recognize that officers, in protecting life and property, must protect our past as well.

While federal law has incriminated looting from federal or Native American properties almost since the beginning of the century, virtually no law enforcement took place until ARPA became law in 1979, later amended in 1988 to include sharper enforcement teeth due to obstacles encountered during prosecutions. The chief 1988 amendment for law enforcers was the reduction in the threshold commercial value ascribed to the artefacts plus the cost of site restoration and repair to enable a felony prosecution (as determined by a damage assessment conducted by an archaeologist). The 1988 amendments include the criminalization of *attempts* to destroy, damage, or remove protected resources, thus relieving officers of having to conduct surveillance while looters destroy a protected resource.<sup>4</sup> A general-intent law (meaning that the prosecution is not required to argue a specific intent to loot), ARPA prohibits people from excavating, damaging, defacing, altering, or

removing (or attempting these acts) archaeological resources from public or Native American lands without a permit.<sup>5</sup>

To be a protected resource under ARPA, looted objects must constitute evidence of past human existence, possess archaeological interest (not archaeological *significance*), and be over 100 years old. Objects, or resources, are broadly defined to include not only relics such as pottery, tools, or shipwrecks, but also rock art, skeletal remains, features of houses or other constructions, even vegetal remains or organic waste. Of particular interest to state and local law enforcement, however, is ARPA's commercial provision: no one may sell, purchase, exchange, transport (or offer to do the same) resources in violation of ARPA, any other federal law, or *any* state or local law. Looters who illegally dig up artefacts on private property without permission and cross state lines to traffic in them have therefore violated ARPA, thus transforming a local case into a federal one.

A recent case affirmed ARPA's jurisdiction over interstate trafficking in antiquities stolen in violation of state law, ARPA's most versatile provision. The defendants had collected relics on private property and then engaged in interstate commerce; the court decreed that 'there is no right to go upon another person's land, without his permission, to look for valuable objects buried in the land and take them if you find them'.<sup>6</sup>

ARPA contains other features attractive to law enforcers. Apart from criminal proceedings, ARPA permits a civil recourse through an administrative law judge.<sup>7</sup> Also, ARPA investigations yield forfeiture of assets: vehicles, equipment or tools, contraband, and clothing. Arizona judge Sherry Hutt has observed that as a result of almost a decade of prosecutions, ARPA 'is well ensconced in the legal landscape'.<sup>8</sup>

Another recent, significant federal law that bears on past resources is the Native American Graves Protection and Repatriation Act, or NAGPRA. Importantly for museums, holdings of Native American human remains must be inventoried and surveyed, in some cases the skeletons being repatriated to descendant Native Americans for reburial according to tribal custom. The same law, though, criminalizes illegal trafficking in Native American human remains or *any cultural items*.<sup>9</sup>



## Investigative methods

The nature of looting presents enforcement difficulties. Once unearthed, artefacts are very difficult to link to a looted site. Many protected resources, whether visible remains or underground and hidden, are found away from public view, some within thousands of acres of national forests or parks. The best enforcement opportunity involves catching looters in the act. Short of apprehension *in flagrante delicto*, officers cultivate informants or obtain confessions. Informants may indeed play a key role in developing intelligence. Nearby farmers, hikers or campers, even hunters may witness looting. If officers discover fresh digging or site damage, surveillance may be possible.

No law enforcement officer can afford to devote dozens of hours to tracking looters. Fortunately, officers are most likely to encounter offences when pursuing other violations. In one case, police officers searching a suspect's residence pursuant to a narcotics warrant photographed a collection of Native American relics later described as 'the most impressive collection of Indian artefacts in northern California'. A sheriff's deputy who had been an archaeologist saw the photos, recognized the significance of the relics, and further intelligence brought another warrant to seize the artefacts. The suspect had been convicted previously under ARPA and the court had ordered the suspect's return of looted artefacts. The photographed stash consisted of the best items from years of looting, hidden to prevent seizure by federal authorities.<sup>10</sup>

Officers must be able to identify and describe tools and equipment used by looters. Many tools, and the camouflaged clothing that some looters wear, are innocuous by themselves, but taken in context create a suspicion of criminality. 'It is from the totality of the circumstances that reasonable suspicion may rise to the level of probable cause,' the standard for arrest.<sup>11</sup>

Under ARPA protocol, officers process a looting scene as they would any other crime scene, although looting cases involve some unique procedures. First of all, officers must carefully document, measure, and photograph the scene. Second, officers should attend to soil samples as a laboratory analysis might reveal pieces of pottery or bone or even pollen which particularly matches

the evidence at the crime scene and perhaps to individual suspects (through analysis of dirt on their confiscated clothing). Third, officers should take casts of footprints and shovel impressions.

Analysis of impressions, coupled with the soil evidence, links both suspects and artefacts to a particular site. Federal cases require an archaeologist to assist by contributing a damage assessment, determining the costs significant to ARPA, and providing an exact description of what has been lost, recovered, damaged, or displaced. The case file should contain a statement from the appropriate issuing authority that no state or federal permit existed to allow the suspect to excavate, remove, displace, or destroy protected resources.

## Federal, state, and local cooperation

Despite federal successes, parallel anti-looting efforts at the state and local level have been irregular. States' laws protecting historic or archaeological resources vary and sometimes are not parallel to ARPA.<sup>12</sup> Nevertheless, many state initiatives have shown promise. In Florida, for instance, the state legislature mandated a two-hour curriculum in basic law enforcement academy classes on archaeological resources protection. In the spirit of ARPA, recently the Supreme Court of Indiana affirmed a lower court decision that applied Indiana's archaeological protection law to private property, where a man wished to dig Native American artefacts on his own property although the state required him to seek a permit to do so.<sup>13</sup>

In Virginia, for example, most historic or archaeological protection laws have specific applications not always comparable to federal interests. Virginia protects human burials wherever they are found on pain of a felony penalty. Misdemeanour penalties attach to other heritage laws. State permission, however, must be obtained for excavations on state-controlled property or on submerged resources in Virginia's waterways (Fig. 2). While Virginia law defines 'objects of antiquity' similar to ARPA's definition of archaeological resources, there are differences: objects of antiquity do not have to meet an age criterion (such as 100 years) to be protected and archaeologists are not required to help investigate crimes.





**Figure 2.** An officer with the Virginia Department of Game and Inland Fisheries took this photograph of looting in progress. Ernest N. Walker and Houston L. Crayton, later convicted of removing state-protected Civil War artefacts without permission, are shown illegally removing artefacts with a small boat converted for the purpose. (Photo: Virginia Department of Game and Inland Fisheries.)

Investigating looting imposes challenges on law enforcement officers. In Virginia, without an archaeologist's assistance, an officer would find it difficult to process a crime scene or present a case for prosecution, since an archaeologist is needed to describe what was disturbed, vandalized, or recovered and to assess a value on site damage or the recovered looted artefacts. Thus, a joint effort of the Virginia Department of Historic Resources and the Virginia Department of Criminal Justice Services produced a model policy on theft of historic resources (available on the Internet at <<http://www.dcjs.state.va.us/crimeprevention/sampledirectives/manual/2-38R.rtf>>) plus a training programme called 'Time Crime' that acquaints law enforcement officers with the looting problem, reviews applicable state and federal laws, and outlines an investigative protocol, modelled closely on federal procedures, honed through prosecutions. The training encourages officers to contact archaeologists to help conduct an investigation. A number of professional archaeologists throughout Virginia have volunteered to assist law enforcement officers with investigations and to testify in court. Virginia's example demonstrates that, despite differences between state and federal laws, investigative methods developed through cases in other states can be adapted and that anti-looting



**Figure 3.** Publicity surrounding the convictions of two men for violating the Archaeological Resources Protection Act in Petersburg, Virginia, frightened a looter into presenting a local funeral home with this box of human remains (a Civil War soldier who had been buried near the Cold Harbor battlefield) together with associated artefacts. The precise location of the original burial remains unknown. (Photo: Robert D. Hicks.)

laws that go unenforced owing to lack of knowledge can be revived provided local law enforcement officers receive tools and encouragement.

Since the Virginia program began in 1995, many investigations have occurred as a result of the training, and far more consultations have taken place between law-enforcement officers and archaeologists. Virtually all of the consultations have involved the disposition of human remains. Skeletal material is inadvertently discovered through construction, and sometimes deliberately excavated through looting (Fig. 3). Native American graves are looted for burial goods; graves of fallen Civil War soldiers are pilfered for military uniform paraphernalia. The consultations have revealed ambiguities in the law but more often serve to instruct relic hunters and citizens. Abandoned or disused cemeteries are imperilled because of development and vandalism, and their disturbance or destruction can unexpectedly ignite community concern.

The Time Crime programme has evolved in unexpected directions. One historic site that features a summer school for middle school students of archaeology has incorporated a looting component in which students role-play investigators, crime-scene technicians, and even journalists. The role-play involves an enacted





**Figure 4.** Vandalism to and theft of archaeological resources goes largely unchecked in Virginia. Some local governments have promoted anti-looting messages and have passed local ordinances against it. (Photo: Fairfax County Park Authority.)

crime in progress featuring an illegal excavation for Civil War artefacts. Mimicking the practicum that teaches officers and archaeologists how to process a crime scene in the federal training course, the students must likewise interview the perpetrator, take notes, collect evidence, and make an arrest. Sometimes the time crime investigations themselves can involve the unexpected. An internal investigation in a state-run maximum security prison examined the possibility that a staff member had collected artefacts from the prison farm, which happened to be located in an archeologically rich area featuring a continuum of habitation from Palaeoindian to the arrival of Europeans.

To all prosecutors and law enforcement officers, however, anti-looting efforts mean more than skillful investigations: the public must be educated (Figs. 4 & 5). In many places, looting supplements income or serves people's hobbies. Two Arizona attorneys observed that in order to present their case they first had to justify the crime of looting.<sup>14</sup> One reformed looter understood the message: 'Don't dig — you destroy history when you do. And don't buy the stuff either ... Those



**Figure 5.** A prosecutorial tactic in archaeological resources theft cases has been to require, upon conviction, the looter to pay for a public-service advertisement in a newspaper of the locality where the crime occurred. This notice was posted following a looting conviction in Stafford County, Virginia. (Photo: Robert D. Hicks.)

bones down there — they're everybody's ancestors. I say let 'em rest in peace.'<sup>15</sup>

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## Notes

1. Harvey Arden, 1989. Who owns our past? *National Geographic* 175(3), 376–93. Also, see Brian Fagan, 1988. Black day at Slack Farm. *Archaeology* 41(4), 15–16, 73.
2. Tom Dunkel, 1992. A nation's heritage at risk. *Insight* February 17, 14.
3. Charles R. Swanson, Neil C. Chamelin & Leonard Territo, 1992. *Criminal Investigation*. 5th edition. New York (NY): McGraw-Hill, 60.
4. ARPA was carefully drawn to exclude hobbyists or collectors in that surface finds of arrowheads or coins, say, from protected federal or Indian lands are allowable without a permit.
5. ARPA is defined under 16 *United States Code* §470aa-470ll. The legislative history of the law and its current application are amply described in Sherry Hutt, Elwood W. Jones & Martin E. McAllister, 1992. *Archaeological Resource Protection*. Washington (DC): The Preservation Press.
6. *United States v. Gerber* 999 F.2d 1112 (7th Cir. 1993).
7. For further details of the ARPA civil procedure, see Sherry Hutt, 1994. The civil prosecution process of the Archaeological Resources Protection Act. *Technical Brief* No. 16, U.S. Department of the Interior, February.
8. Sherry Hutt, 1995. The Archaeological Resources Pro-



- tection Act. *The Federal Lawyer* October, 34.
9. 535 USC §3001.
  10. 1996. *Common Ground* 1(1), 8. (This journal was formerly *Federal Archeology* magazine.)
  11. Swanson, Chamelin & Territo, 1992. *Criminal Investigation*, 67.
  12. For a compendium of state statutes, see Carol L. Carnett, *A Survey of State Statutes Protecting Archeological Resources*, a special report of the *Preservation Law Reporter*; *Archeological Assistance Study* no. 3, August 1995 (published jointly by the National Trust for Historic Preservation and the U.S. Department of

- the Interior). To aid federal prosecutors — and state ones — the General Litigation and Legal Advice Section, Criminal Division, U.S. Department of Justice published the *Archeological Resources Protection Federal Prosecution Sourcebook*, a compendium of case law, statutes, briefs, and related material on ARPA cases.
13. Indiana's Historic Preservation and Archeology Act prevailed in *Whitacre v. State*, 629 N.E.2d (1994), affirmed 619 N.E.2d 605 (Ind. App. 1993).
  14. *Congressional Quarterly*, 40.
  15. Arden, 1989. Who owns our past?, 392.

## A holy cross and the necessity for international conventions

JOS VAN BEURDEN

In the midst of the majestic mountains of northern Ethiopia are eleven churches. They are a remarkable phenomenon — carved out of solid rock in the twelfth century AD by some forty thousand craftsmen. Eleven times, gigantic square caverns were hollowed out to create churches with the three interior spaces characteristic of all Ethiopian Orthodox buildings: a porch; an area where the believers receive communion; and the most holy place, accessible to priests and deacons only. The churches are interconnected by corridors, and the place where they were built is named after their patron-king: Lalibela. In the eight hundred years of their existence, the bare feet of millions of worshippers — singing, praying, sacrificing, hoping and despairing — have passed through the rock churches of Lalibela. On the numerous holy days ecclesiastical dignitaries, dressed in colourful robes walk around the buildings, and are joined by thousands of believers.

Since the introduction of Christianity to Ethiopia in the fourth century AD, numerous churches and monasteries have been built, their walls and ceilings often beautifully painted. Each has a range of ritual objects, sometimes made of silver or gold. Lalibela's major church is the Bet Medhane Alem, measuring 33.5 metres long, 23.5 metres wide and 11 metres high. It is the only church with an external colonnade on all four sides. It has now been covered by transparent



*Church of St George.*

sheeting to protect it from the detrimental effects of climate. The Bet Medhane Alem harbours one of Ethiopia's most precious valuables, the Afro Ayigebe, a heavy, sixty centimetre long and richly decorated cross. Its value is not only religious and historical, Ethiopians also ascribe to it a healing power. Two men permanently guard the cross.

On the night of 9 March 1997 one of the guards had gone home sick. His colleague, sheltering from the rain, had fallen asleep. Around midnight the inhabitants of the mountain town were abruptly woken by the sounds of a bell ringing, confused voices, and some shooting. Many ran to the church, where a priest had discovered that the door (which at that hour was always closed) stood open. He had run inside, to the place where the cross was kept, and discovered that it had disappeared. The shots heard were fired by the police, who arrested forty church officials.

For days the theft was front-page news in Ethiopia. As interrogations produced no results, the police were forced to release the forty prisoners, one of whom returned voluntarily shortly afterwards. His story was that there was a man in



Lalibela whose daughter had been ill for a long time and who had repeatedly urged this cleric to take the cross to his house, hoping for the recovery of his daughter. Finally the priest had given in. On 9 March he had hidden himself in the church and, as soon as he was sure that the guards' attention had wandered, had taken the valuable object. He had the daughter kiss the cross several times and blessed her ailing body. That is where his memory failed, as according to him the father had plied him with liquor and the next thing he knew was that he was back in the churchyard, without the cross.

The police held the cleric, and arrested and interrogated the father and brother of the girl. The pair claimed to have buried the cross in the backyard of their house, but police excavations recovered nothing. Ethiopia's most important cross was gone. Christians in Lalibela and across Ethiopia felt injured by the loss. 'The cross is part of us', said museum director Ahmed Zekaria in Addis Ababa. 'As long as it is not back, something is lacking.' He was scared that the commotion and publicity would drive the thief to desperate measures, that he would melt the cross down into an ingot of metal. 'In that case Ethiopia would have definitely lost part of its soul.'

Two years later, in June 1999, the continued efforts of the Ethiopian police were rewarded. They arrested some antique dealers, and after interrogation learned that the brother of the sick girl had smuggled the cross out of Lalibela. He had sold it for one thousand birr (around 115 US dollars) to an antique dealer in the neighbouring city of Desi. The latter had sold it for an unknown amount to an antique dealer in Addis Ababa, capital city of Ethiopia. This dealer had kept it hidden for a year, after which time a Belgian collector had purchased it for 25,000 US dollars.

It emerged that the Addis Ababa dealer had known the Belgian collector since 1994, but denied having sold the cross to him. The Ethiopian authorities investigated his bank statements and blocked an amount of 25,000 US dollars. They informed the Belgian authorities. When an international courier attempted to import a parcel addressed to the collector, it was intercepted by Customs officials at Brussels' Zaventem airport. However, even though the accompanying documents were not fully in order, they had to let it

go. Because of the absence of legal agreements between Belgium and Ethiopia they were unable to do anything.

The Ethiopian Embassy in Brussels engaged a Belgian lawyer, who advised against starting legal proceedings against the collector. Such proceedings would take years and it would be very difficult to prove bad faith on the part of the collector. Instead, the lawyer advised that an approach be made to try to convince the collector that the holy cross ought to go back to Ethiopia. A representative of the Embassy visited him, spoke about the soul and spirit of the cross, and finally the Belgian agreed to hand it over on the condition that his money would be returned.

The Ethiopian authorities agreed and in 2001 the cross was flown back to Addis Ababa. There, the Belgian ambassador invited Ethiopian experts and members of the Ethiopian Orthodox Church to inspect the cross. They confirmed that it was not a replica but the actual 800-year-old cross of Lalibela. Soon after, the Belgian envoy handed the precious object over to the Ethiopian government, in what he later informed the Foreign Affairs department in Brussels had been a *moment de grand émotion*.

The outcome of this case was rather unsatisfactory. The Belgian collector, who had visited Ethiopia several times earlier and was knowledgeable about Ethiopian artefacts, must have known about the theft of the holy cross and its value for Christians in the country. He may also have known that such a cross should never have left the country. Had both Belgium and Ethiopia signed the 1995 UNIDROIT *Convention on Stolen and Illegally Exported Cultural Objects*, the collector would have had to prove his good faith at the moment of purchasing, which would have been a difficult task. Now the collector has not only emerged unpunished, he even got his money back. Meanwhile, in Ethiopia seven people were sentenced to several years in jail.

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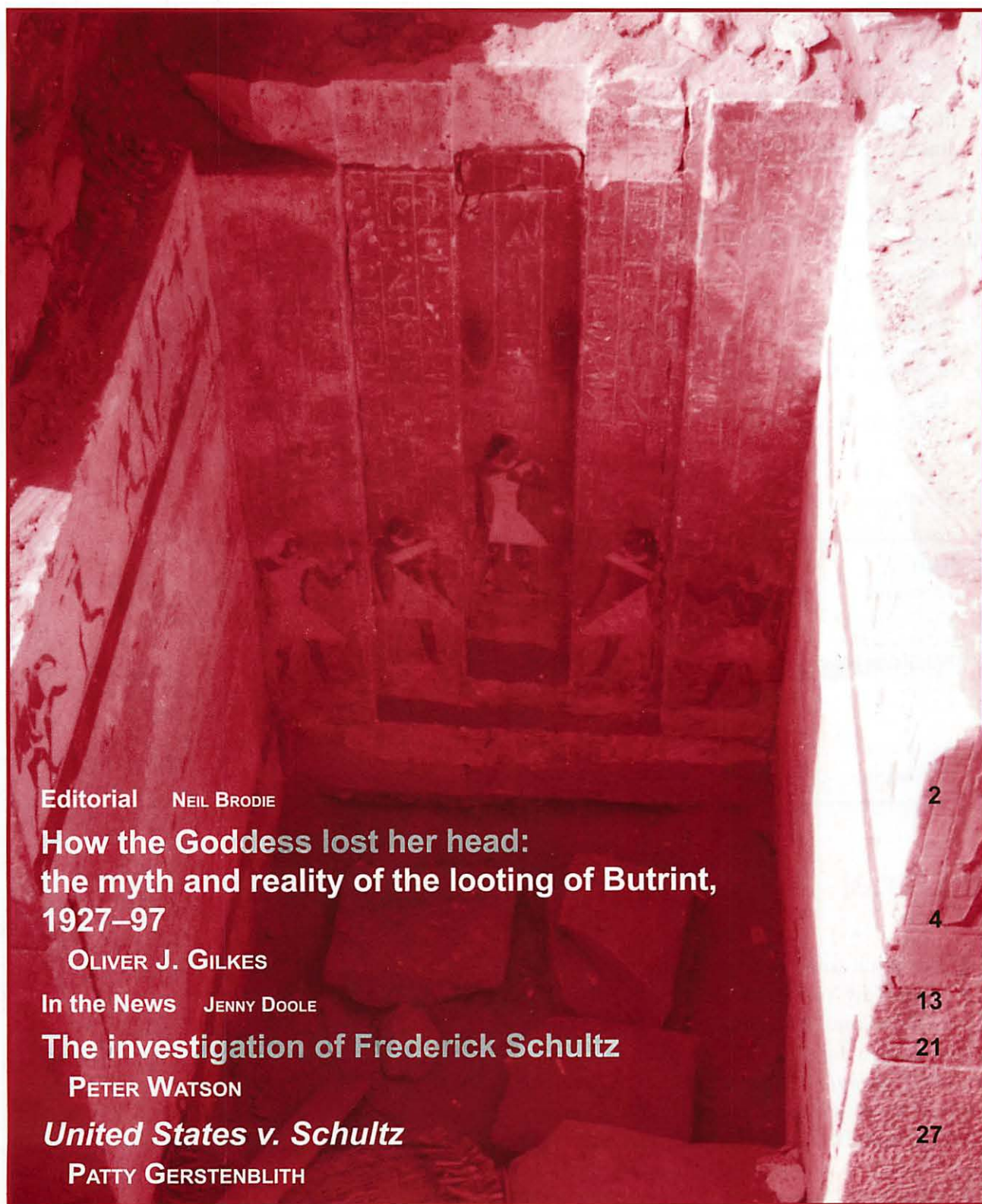


# Culture *Without* Context



The Newsletter of the Illicit Antiquities Research Centre

Issue 10, Spring 2002



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The Illicit Antiquities Research Centre is a project of the McDonald Institute for Archaeological Research.



## Illicit Antiquities Research Centre

The Illicit Antiquities Research Centre (IARC) was established in May 1996, under the auspices of the McDonald Institute for Archaeological Research in Cambridge, England, and it commenced operations in October 1997. Its purpose is to monitor and report upon the damage caused to cultural heritage by the international trade in illicit antiquities (i.e. antiquities which have been stolen or clandestinely excavated and illegally exported). The enormous increase in the volume of this trade over the past twenty years has caused the large-scale plundering of archaeological sites and museums around the world. The IARC will raise public awareness of the problems caused by this trade and seek appropriate national and international legislation, codes of conduct and other conventions to place restraint upon it.

*Culture Without Context* is published twice-yearly. The next issue will appear in autumn 2002. Subscription details are available from:

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*Front cover. Inside the tomb of Hetepka, before it was looted, showing the false doors.*

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Correspondence relating to all aspects of the legal and illegal trade in antiquities is welcome; we will make an effort to print reasonable, non-libellous letters. No unsigned letters will be printed, but names will be withheld upon request.

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Printed by BluePrint, 6 Clifton Road, Cambridge CB1 7W6.  
Tel: +44 (0)1223 472400

## Editorial

The illicit trade is a 'dying dinosaur issue' said New York dealer Frederick Schultz — described as one 'who ensures that his examples do not have a dubious past' — when quizzed by the *Art Newspaper* in January 2000 (p. 65). But even dying dinosaurs can bite, and in February this year Schultz was bitten badly in a New York court when he was convicted of handling archaeological material stolen from Egypt. In this issue Peter Watson provides a colourful account of the

investigation and events that led up to the trial, and Patty Gerstenblith discusses its legal ramifications. Schultz was sentenced to 33 months imprisonment and fined \$50,000.



The Art Fund is the United Kingdom's leading art charity with over 90,000 members. It raises money from membership subscriptions, donations and legacies and in 2001 was able to offer £5.8 million to museums and galleries across the country for the purchase of works of art, including archaeological objects. It has long been the policy of the Art Fund not to sup-



port the purchase of archaeological or ethnographic objects that were not known before 1970, and on 1 May this policy received formal definition. In future, the Art Fund will not support a museum purchase unless there is documentary evidence to show that the object in question was in circulation before 1970, or, in the absence of any documentation, a signed personal declaration to that effect by the vendor.

This new requirement for a signed declaration is a significant move on the part of the Art Fund as it meets head-on the dealers' complaint that it is unrealistic to expect documentary evidence of provenance to survive when an object has been moved out of its country of origin decades or even centuries ago. Perhaps not, but now that written testimony will suffice there is one less reason for ownership histories to be suppressed.

The Art Fund's announcement was made at the launch by the Museums Association of a new Code of Ethics for Museums. The Code requires that museums should only acquire archaeological and ethnographic objects which have a secure documented ownership history that can be traced back to before 1970, unless they are judged by experts in the field involved to be of minor importance and not illicitly traded.

This collaborative launch took place at a press conference held on 1 May in London and highlights the determination of the museums community in Britain to stamp out the illicit trade. It followed closely on the heels of a Ministerial announcement that the UK Government intends to accede to the 1970 UNESCO Convention by July.



In the January/February 2002 issue of *Minerva* magazine its editor Dr Jerome Eisenberg drew attention to the fact that a conversation he had taken part in had been secretly recorded and published on a web site. The same web page also shows e-mails allegedly written by Dr Eisenberg where he calls into question the work of Dr Peter Northover, a leading archaeometallurgist (<http://www.michelvanrijn.com/artnews/artnws-eisenberg.htm>). Dr Northover, who has published widely on the subject of archaeometallurgy, is a Senior Research Fellow at the Department of Materials, University of Oxford. His own web site is at <http://www.materials.ox.ac.uk/peoplepages/northover.html>

although it makes no mention of authentication work carried out for the antiquities trade.

These e-mails prompt a number of questions. First, are they genuine? Dr Eisenberg has admitted that other material attributed to him on the web page is genuine, so there is no reason to think that the e-mails aren't, particularly as the page was concerned with the suspect provenance of an Italian sculpture and the references to Dr Northover were incidental and unnecessary.

Even if the e-mails were not written by Dr Eisenberg, the allegations they contain are still serious. They either cast doubt upon the work of Peter Northover or call into question Jerome Eisenberg's credentials as a fake-buster.

Finally, they imply that Oxford University's Department of Materials is housing a commercial authentication service. If this is the case it is a shame. The Research Laboratory for Archaeology and the History of Art at Oxford has long since stopped offering such a service because of the role it plays in underpinning the market for looted objects. The staff of the Institute of Archaeology in London, too, in 1999 adopted a Policy Statement which forbids the commercial valuation or authentication of archaeological objects of unknown provenance.

The issues raised by the 'Northover e-mails' are serious ones and it is to be hoped that the individuals involved will come forward and give a full and satisfactory account of the statements made.



Starting on page 4 of this issue is an account of the long — though sometimes misreported — history of looting at the site of Butrint, in Albania, which was occupied from the late Bronze Age through to the sixteenth century AD. Oliver Gilkes directs excavations there for the Butrint Foundation, which was established in 1993 to support archaeological research and promote public awareness of the site. The Foundation is a British charitable trust which works in collaboration with the Albanian Institute of Archaeology and Ministry of Culture with the participation of Albanian archaeologists and students. While presently engaged upon a continuing campaign of excavation, it is also collating the archives of previous Italian and Albanian expeditions to create a virtual resource and is preparing



a plan for the future management of the site, which was declared a World Heritage Site by UNESCO in 1992 and is presently encompassed by a protected area of 29 km<sup>2</sup>. The Butrint Foundation aims to resolve the tension that exists between the local need for economic development and the desire to conserve an important part of Albania's natural and cultural heritage, while at the same time continuing archaeological investigations at the site. Further information about the work of the Foundation can be found at: <http://www.butrintfound.dial.pipex.com/>.

In the past, archaeologists working in foreign countries have been concerned primarily with the academic consequences of their work, the contribution it might make to the understanding of past societies, and have paid little attention

to the future prospects of an excavated site beyond its immediate physical consolidation. The long-term presentation, protection or development of sites have been tasks beyond the responsibility competence even of excavators, and with an academic status much inferior to the intellectual process of interpretation and exposition. Times are changing though. In going beyond the ethic of pure research by responding to local concerns while at the same time ensuring the future survival of the site, the Butrint Foundation serves very much as a twenty-first-century paradigm for archaeological research. What might be characterized as dig and run projects should now be a thing of the past.

NEIL BRODIE

## How the Goddess lost her head: the myth and reality of the looting of Butrint, 1927–97

OLIVER J. GILKES

A recurrent theme of popular folklore concerning foreign archaeological missions working in the Mediterranean is the illegal removal of finds. Stories of this kind range from the true exploits of larger-than-life characters such as Lord Elgin and his assistants in Greece (St Clair 1998) and Giovanni Belzoni in Egypt (Trigger 1989), through to the activities of well-constituted scientific missions of the 1920s and 30s. In many cases the archaeologists concerned have not helped themselves in this matter. Sir Leonard Woolley, for example, filled his books with a series of stories of how he managed to hoodwink the Italian and Turkish authorities and make off with choice pieces (Woolley 1954; 1962).

The end of colonialism and the politicization of the past have reinforced this idea in the modern era. Many of the archaeologists of the past are seen as opposing in some fashion the



**Figure 1.** *Three directors of the Italian Archaeological Mission to Albania: Luigi Ugolini (centre) flanked by two of his successors, Pirro Marconi (left) and Igino Epicoco (right) in the acropolis castle at Butrint.*

establishment of local national identities; thus, for example, Elgin is demonized in Greece. In the mind of the general public of those countries actually involved in acquisition this concept has also taken root. Witness the activities of Indiana Jones in securing antiquities for his clients.

Obviously each case must be taken on its own merits. Here I intend to examine the Butrint sculptures from Albania. This is an instance where the myth has obscured the unpleasant reality, and as a consequence has deflected attention



from the present sad situation of theft from museums and archaeological sites.

### Butrint 1928: the fifth shore

The Italian Archaeological Mission to Albania was established in 1924 under the aegis of the Italian Foreign Ministry. It was one element of a programme intended to extend Italian hegemony to the eastern Adriatic — the ‘fifth shore’ of Italy — the others being in Italy itself and Libya (Gilkes & Miraj 2000). Political in its conception, the mission also adapted its strategy to embrace the nationalist concepts that had been adopted by the fascist regime, *Romanità* and *Italianità* (Gilkes & Miraj 2000; Petricoli 1990; Zevi 1986). Albania had been a brief *cause célèbre* in the earlier career of Benito Mussolini (Mussolini 1920). Nevertheless the mission’s first director, the young and able Luigi Ugolini (Fig. 1), while a supporter of the regime, clearly had his own agenda which he managed to dovetail with political necessity to pursue a solid programme of high-quality research.

The initial efforts by the Italians, however, were far from promising. To exploit Albanian nationalist sentiment, Ugolini worked at Phoenicë, in the southern prefecture of Gjirokastra, between 1925 and 1927, where it was hoped that prehistoric graves would be discovered that could then be attributed to the Iron Age Illyrians, seen in Albania as the country’s historic ancestors (ASME AP 1919–30; 1924, 723/1). While interesting, the finds themselves were hardly stunning, though Ugolini made major efforts to talk them up by emphasizing the sheer scale of this vast classical site (e.g. ‘One of the largest acropoli of the classical world’, in *Il Popolo d’Italia* 9/11/1933).

In December 1927 it was decided to shift the focus of the mission some 30 km south to the coastal site of Butrint. This beautifully positioned city featured in Vergil’s account of the journey of Aeneas from Troy to Italy, and thus was a more suitable focus for the growing preoccupation with the Roman past. Ugolini was to dig here until his early death in 1936, but his successors, Pirro Marconi, Domenico Mustilli and Iginio Epicoco continued the work until 1943.

Excavations in 1928 focused on a number of points around the site where ancient masonry



Figure 2. Excavations in progress in the theatre at Butrint in 1928, shortly before the discovery of the first statue.

could be seen amongst the tangled vegetation. Whilst work continued in a number of areas, one particular site quickly produced the sort of treasure that would make major headlines. A fine group of marble statues was recovered from the liquefied mud at the bottom of a trench in the theatre (Fig. 2). The discovery was quickly announced to the Foreign Ministry, and a flood of newspaper articles, newsreel films and lectures over the following two years capitalized on the discovery. The full excavation of the theatre would take until 1932 (Miraj forthcoming).

The sculptures that were finally brought to light consisted of eighteen statues, or fragments of statues, most of which must have formed part of the decoration of the theatre complex. Principal amongst these were five large torsos, three female and two of cuirassed males, one signed by the Athenian sculptor Sosikles. A statue of the ‘Grande Ercolanese’ type accompanied these. There were also fine portrait busts of Augustus, Agrippa, ‘Livia’ and a very fine bust of Apollo, the so-called Goddess of Butrint, of the Anzio type (Bergemann 1998; Papadopoulos 1996) (Fig. 3). The fine workmanship and intact nose





**Figure 3.** *The Goddess of Butrint.*

of this latter piece marked it out as something special. The Italians reconstructed the ruinous castle of the Venetian Captain of Butrint on the rocky acropolis of the city to accommodate these and other finds and a museum was fully open by 1940 (ASME AP 1931–45; 1938 Busta 90/7) (Fig. 4).

### **Butrint in the 1930s: the myths of Aeneas**

The Anglo-Albanian archaeological project at Butrint that was initiated in 1993 is supported by the Butrint Foundation with the aims of researching and preserving Butrint. Its work is closely allied to the question of the fate of the finds made during the interwar period, and has drawn heavily on the research foundation laid by the Italians. However, initially much was doubtful. Only two volumes of the final reports on the Italian work were published before World War II and the remaining manuscripts, notes and drawings were placed in storage and believed lost, until they were rediscovered by an archive research programme supported by the Butrint Foundation.



**Figure 4.** *Sculpture and smaller finds on display in the museum in the reconstructed acropolis castle.*

Thus much that was supposedly known about the work of the Italians was in fact myth. For example, it was persistently reported that the whole archive had perished with Pirro Marconi in a plane crash in 1938 or that Ugolini had died of malaria contracted at Butrint (in fact Ugolini died of kidney failure). The most persistent myth, however, was that the Italians had made off with the finds from the excavation, and that the supposed donation of the Goddess of Butrint by King Zog to Mussolini was in fact a compromise to cover up an attempted theft. This alleged theft was elaborated in the xenophobic atmosphere of Enver Hoxha's post-war communist government. The 'theft' was well publicized: 'The fascists destroyed the antique sculpture, and stole the marble heads found in various temples before they left the country.' (Commentary from the film *New Albania* 1948, AKF, Tirana.)

Given its prominence as a piece of sculpture and a symbol, the Goddess has taken centre-stage. It is, for example, the logo of the town of Saranda, whose football team is named Butrint United, and has been used on the labels of wine produced at nearby Delvina as well as featuring on bar and hotel signs. This symbol, it is alleged, was coveted by Ugolini and hidden by him in a crate in order to ship it secretly to Italy. Fortunately, the story goes, a zealous customs officer insisted on opening the crate and caught Ugolini in the act. Naturally a major diplomatic incident might be expected to have followed. However, at this time relations between



Italy and Albania were improving. King Zog had ascended the throne with Italian assistance in 1927, and as a consequence, in order to cover up a scandal, Zog 'donated' the Goddess to Mussolini and it was shipped to Italy where it remained until its return in 1982 (Ceka 2001).

This tale has been related to the present writer on a number of occasions, and has been recently used by Albanian journalists (Peza 1999). The episode has even been the subject of a novel by Teodor Laço, *Korba Mbi Mermere (Blackbirds over the Marbles)*, published in 1987 under the communist regime.

The Albanians have a certain justification for their suspicions. Roberto Paribeni, the Director of the National Roman Museum, whilst actually negotiating the archaeological accord with Albania, attempted to convince the foreign ministry to permit him to smuggle a small archaic statuette from the consulate at Vlora to Italy using the diplomatic bag (ASME 1924, Pacco 723/4, 11,14).

Ugolini quickly came under suspicion following the start of excavations at Butrint. In March 1928 the Gendarmerie station at Delvina reported that some finds had been consigned to the government, but they were unsure exactly what as there was no official to check the inventory. Following the 1928 excavation season Ugolini expressed concern for the safety of the finds and arranged for them to be shipped to Tirana (ASME AP 1919–30; 1928, Pacco 768/16). This, however, was effected without the presence of an Albanian official as required by the accord. Criticism appeared in the newspapers (ASME AP 1919–30; 1928, Pacco 768/21; AQS F295 D75 V1928) and the story of the attempted theft was born. Ugolini was exonerated by an official Albanian report on this matter in July 1928 that also recommended him for a medal, while urging that the government send a representative to Butrint for future seasons. Ugolini had clearly tried to be as correct as possible. He had invited the prefect of Gjirokastra and his friends over to Butrint for lunch and a guided tour on 6 July. The report on this visit (AQS F295 D75 V1928/100) noted that the prefect had taken into custody some of the smaller finds, but that they had deliberately left the statues for Ugolini to deal with. The Gendarmerie post at Konispoli,

on the Albanian–Greek frontier, subsequently telegraphed to Tirana in November 1928 that they had heard that 'something' had been stolen from the finds at Butrint by the Italians over the summer and again urged that an official representative be appointed (AQS F295 D75 V1928).

From the Italian side there is merely a file of documents in the State Archives in Rome amongst the papers of Mussolini's private secretary concerning the donation of the Goddess of Butrint, and its consignment to the care of the same Roberto Paribeni. This time there is no suggestion that the acquisition was other than a diplomatic gift, perhaps as the result of a suggestion to Zog by Ugolini (ACDS Papers of the Segretaria Particolare del Duce 5.2.6623).

In 1929 and 1930 Albanian officials did visit the excavations. They reported on the difficulties of living at Butrint, and the official visiting in 1930 was forced to sleep in a grimy shepherd's hut as the Italian quarters were out of bounds to Albanians. His report, however, is generally favourable. He observed crates of skulls being prepared for transport to Italy, indeed Ugolini specifically told him their destination, but he gave no sign that anything was amiss (AQS F250, V1932, D82, F7–12).

In 1931 a regular official was appointed to work with Ugolini. This was Hasan Ceka, a Vienna-trained archaeologist who in the post-war period was to become more or less the founder of modern Albanian archaeology. Ceka visited for extended periods in the 1930s and wrote extensive reports on the Italian activities that have survived (AQS F295 D107 V1932; AQS F295 D170 V1933). Both his surviving accounts incorporate extensive criticisms of the Italians and their methods. Ceka noted that the Italians maintained an exclusive enclave in the castle for themselves; that he was not allowed to inventory finds properly; that the workers were forced to work on feast days, something prohibited by the accord; that the Italians flew Italian flags and generally treated Butrint as part of Italy. The Italians probably did act in what would now be considered a very high-handed and colonial fashion, in common with other foreign missions of this time elsewhere (Wheeler 1954).

The main charge came with the allegations that 'something' had been stolen. Ceka reported





**Figure 5.** *The head and torso of the Goddess of Butrint briefly reunited in the main hall of the Albanian Pavilion at the 1940 Mostra del'Oltremare in Naples.*

how, in 1933, the director of customs at the port of Saranda had prevented Ugolini from loading crates onto an Italian ship, which he believed would then sail straight to Italy with the finds, and instead insisted that they be sent to Durrës (AQS F295 D170 V1933/3–4). This is clearly the origin of part of the Goddess story. He also reported that the workmen had told him that certain things had been found which could not now be accounted for. He listed numerous items including objects from the cemetery, a bust carved from ‘crystal’ and a marble stele carved with the figure of a victory, the Nike of Butrint. Much of this is merely hearsay. As Ceka reported to Tirana, ‘It is difficult to prove the thefts of the archaeological mission if we rely solely on public opinion . . . everyone has heard that the Italian mission steals the finds, but none has seen it directly . . .’ (AQS F295 V1931 D107 F80). Ceka recounted how the workmen, fearing for their jobs, refused to speak out, or had only heard news of missing items from others (AQS F250, V1932, D82, F7–12). The Prefect of Gjirokastra also reported further suggestions of wrongdoing to Tirana in July 1932. Presumably in the absence of Ceka,

he wrote to the Secret Office of the Ministry of Internal Affairs to say that a specialist was required to assess the value of the objects being recovered, and that in the meantime the local Gendarmes had been requested to ‘keep an eye’ on matters (AQS F295 V1931 C1932 D107 F80).

While it is impossible to control rumour at this distance of time, there are certain elements here which can be checked. The Nike of Butrint had been found in 1930 by the Butrint Channel, and, as Ceka reported, had been purchased by Ugolini from the finder. Ugolini, however, had once again informed the local officials, writing to a Mr Menegou in the prefect’s office on 16 May 1930 to announce the discovery and his intention of moving the stele to Butrint (MCR Ug60 AQS F295 V1928 D75 P5). Regarding the problems with the customs in 1933, an obviously exasperated Ugolini wrote a long letter of complaint to Egrem Bey Dibhova, the Minister of the Royal Household. He listed a number of abuses, including gendarmes at the excavations who were obstructive, and stole bread intended for the workmen, and then excessive checking of the departing missions personnel belongings: ‘they checked our baggage minutely, looked inside our shoes, even unwound our socks’ . . . ‘And all this because the chief of the customs thinks that the mission is carrying away . . . The Treasures’ . . . ‘I make no comment, except to add that . . . to my enquiries the customs officials responded “these are the orders we have received from our superiors”’ (AQS F205 V1933 D209 F61–6).

In this latter statement we may find the true reason for the accusations levelled at the Italian archaeologists. Following 1931, Italo-Albanian relations deteriorated as Zog attempted to free his country from the tightening noose of economic and political control from Rome (Fischer 1984; Vickers 1995). Italian advisers were withdrawn from the country and Albania was left to fend for itself with periodic episodes of ‘sabre rattling’ by the Italians. In this climate it is surprising that the archaeological mission was permitted to function at all, though the cunning Albanian King may have viewed Ugolini and his colleagues as a harmless presence that could be used as a link to rebuild relations if required. In this context, gendarmes, customs and even archaeological representatives may have been



encouraged to find difficulties. These certainly continued for the archaeologists. In 1935 Ceka removed finds from one of the storerooms into his keeping, presumably intending to prevent them from being taken to Italy. The Italians were convinced that this action occurred at the behest of higher authority (ASME AP 1931–45; 1935 Busta 60).

A further and more intangible element may have been a certain conflict of personality between Ceka and Ugolini. Both were strong-willed, ambitious and patriotic men and Ceka was clearly unhappy, as were many other Albanians, with the Italian presence. Some rather caustic comments arising from the 1935 incident, where Ceka was referred to as ‘a type of Albanian archaeologist’ suggest a degree of personal animosity (ASME AP 1931–35; 1935 Busta 60).

The period of frosty relations lasted until 1936, when Galeazzo Ciano became Italian Foreign Minister. He quickly moved to improve contacts between the countries, but this was merely a ruse as he was actively manoeuvring to annex the country, an event that finally occurred in April 1939.

The four years of Italian occupation do not appear to have resulted in any more deliberate looting than had occurred hitherto. Three statues from Butrint — the presumed torso of the Goddess, the ‘Grande Ercolanese’ minus her face which remained in Tirana, and the cuirassed warrior of Sosikles — were loaned to the Albanian pavilion of the *Mostra del'Oltremare* in Naples during 1940. The war prevented their return and in 1943, along with other exhibits, they were ‘completely pulverised’ (Arch. M. R. Zuccaro pers. comm.) as a result of the allied bombardment of Naples (Fig. 5).

### Butrint 1992: the end of history

The communist government of Albania lasted for 47 years. During this time Enver Hoxha forged Albania into a united country for the first time.



Figure 6. A party of young pioneers visiting the National Museum of Arms in Gjirokastra c. 1982.

Part of his programme relied firmly on archaeological work to provide a philosophical underpinning of his government, as elsewhere in the Balkans (Bejko 1998; Kaiser 1995). Museums were an integral element of this national programme and they mushroomed in all major towns (Fig. 6).

Underlying Hoxha's programme was the need to create a solid national identity, and a programme was developed in which archaeology was to play a crucial role. To forward this aim he was prepared to build on the tiny cadre of existing Albanian archaeologists and historians, Hasan Ceka, Skender Anamali and Aleks Buda, even overlooking past involvement with Zog's otherwise anathematized regime. The chosen theme was that of Albanian continuity from the prehistoric Illyrians, a hypothesis that had been under discussion as a political and scientific idea since the later nineteenth century (Wilkes 1992). The development of this line of research can be seen in Hoxha's own words, ranging from the tolerant ‘Our country ought to have something to offer its scholars, who must put all their energies into making archaeological research that permits us to illustrate the history of our ancient people’ (Hoxha, extract from the visitors book of the National Museum of Archaeology and Ethnography 1948) to the extreme ‘You scientists, archaeologists, must make accurate studies. What is Illyrian





Figure 7. The bust of Livia. (Photograph: ICAA 2000.)

is Illyrian, what is Roman or Greek is Roman or Greek . . .’ (Baçe & Çondi 1987, 9) which was the official view propounded during a visit to Butrint in 1978. The turning point in this philosophical development happened following the 1961 split with the Soviet Union. Hoxha’s own paranoia led to Albanian archaeologists turning increasingly to nationalist paradigms to feed the party line.

Butrint remained relatively neglected until after 1978. The museum still existed, though some of the finds were in Tirana. Virtually all of the smaller objects found by the Italians that had been displayed in the castle at Butrint had been stolen after 1943 (Dhimosten Budina pers. comm.), leaving the larger sculpture and statues. In 1978, following a visit by Hoxha, the decision was taken to expand the facilities at the site as a tourist destination and to use Butrint as the training ground for new archaeology students who undertook a field school there in 1982. A reconstructed museum was projected, but was not

completed before 1989. New illuminated display cases, with specially made information panels, held a profusion of smaller finds from post-war excavations, whilst the old Italian courtyard was once again filled with statues and sculpture. The new museum was open for barely three years.

In 1990–91 the last communist government fell amidst riots and chaos. Symbols of the state, including offices, factories and collective farms, were smashed or broken up by a nationwide implosion of discontent. Hundreds of thousands of Albanians began to leave the country. Amidst the increasing chaos the country’s cultural heritage suffered. The national ethnographic museum in Tirana was sacked, and lost most of its finely crafted antique furniture and firearms. The Museum of Arms at Gjirokastra was robbed, again for its antique firearms, and the museum at Butrint was selectively looted of a number of pieces of sculpture, notably a number of marble busts. The perpetrators of this theft have never been identified, and while some of the sculpture has been relocated, it remains impounded in Greece for bureaucratic reasons. Some of the other material was subsequently removed to Tirana for safekeeping.

For one stolen item there was a happier fate. The head of ‘Livia’ was one of the original sculptures found by Ugolini in the theatre in 1928 (Fig. 7). It is a fine piece, carved in Luna marble, of a female head, that clearly formed an element of the imperial portrait group that had been displayed in the theatre as part of the Augustan colony founded at Butrint. It had apparently been stored in Butrint since its discovery. While the exact method of its removal from the museum and route out of Albania are unknown, its subsequent history is now comparatively well-documented, for Livia found her way to Switzerland where she was to stay for the next nine years.

Around 1995 Livia was purchased by Mr Robert Hecht, a New York art dealer, who offered the piece for sale. A short catalogue of antiquities *From a North American Collection of Ancient Art* included a ‘Roman marble portrait of Livia (58 BC–AD 29), wife of Augustus’. All the objects in the sale were unprovenanced though they were noted as belonging ‘to a collection formed over the last forty years’. At this point two separate individuals identified the head.



Dr Elizabeth Bartmann in New York has made a study of portraits of Livia and recognized it at once from the catalogue. She wrote straight away to the Albanian Embassy in Washington. At about the same time Mr Hecht offered the head to the Glyptothek Museum in Munich where the Director also recognized it as being the Butrint piece and contacted the German police. On being informed that this was in fact a stolen piece Mr Hecht withdrew it from the market. With the authorities thus alerted, some action to facilitate its recovery might have been expected: in fact, nothing whatsoever occurred. Livia remained in Switzerland and was listed as stolen by Interpol, while the Albanian Embassy and the German police apparently took no action at all.

Matters may have remained thus but for the chance meeting of academics in the United States in 2000, when Professor Richard Hodges was told of Bartman's identification. Thereafter the matter was taken up by Dr Iris Pojani, Director of the International Centre for Albanian Archaeology and other Albanian authorities who contacted Mr Hecht directly. A generous offer to return the head followed and on 3 November 2000 Livia returned to Tirana.

### **Butrint 1997: the end of a museum**

In 1997 there was a further period of civil disturbance, this time prompted by the collapse of pyramid investment schemes. Southern Albania revolted against the government in Tirana, which was perceived as responsible for the loss of people's savings. Once again state enterprises were looted. The museum at Butrint was definitively broken into, its display units smashed, and more finds, including another haul of sculpture that had survived the 1992 efforts, stolen. This material remains missing and four years on the situation of dilapidation and loss remains the same.

Looting has also begun of a number of other archaeological sites. At Phoenicê, the ancient capital of the Epirot League, for example, the steep hillside is pitted with dozens of recently dug holes. A new Italo-Albanian accord to excavate at the site, and the establishment of a small ranger group funded by the George H. and Jane A. Mifflin Memorial Fund, may stabilize the situation. At Butrint there has only been one isolated example of illegal excavation within the city.

Nevertheless it is clear that finds are being made in the vicinity, partly no doubt through the massive increase in building activity in the area, but some perhaps as the results of deliberate prospecting.

Museum collections too continue to suffer losses. British newspapers reported in 1996 and 1997 how visiting VIPs had been given items taken from national collections (e.g. *The Times* 8/3/1997). Interest in this story soon died when its party political relevance was exhausted. During the civil unrest of 1997 the Museum of Arms at Gjirokastra was again targeted, though this time looters were interested in the Second World War small arms that might conceivably be made operational. The curator saved part of the collections by placing them in a room that she concealed behind a large socialist realist painting.

Since the restoration of civil order the depressing condition of Albania's cultural and archaeological sites has been alleviated to some degree. At Butrint a grant from the World Bank International Development Fund has permitted the creation of an effective and functioning national park administration for Butrint and its environs. Butrint is now well publicized within Albania, and is the venue of various cultural events and the destination of ever-increasing numbers of domestic and foreign tourists. An element of this programme has involved the creation of a park ranger service that replaces the civil police who previously maintained watch. This will be sustained for the future by support from the Howard Marks Foundation.

### **Conclusion**

In the case of the Butrint sculptures a myth can be dispelled. There is little or no surviving evidence that Ugolini and the Italian Mission actually stole anything from the excavations at Butrint. Some objects may have been moved across the Adriatic, but what they were and where they are now is unknown. Certainly 'The Treasures' never seem to have left the country other than by legal means.

The Italian invasion of Albania and the suffering and resistance of the country during World War II have, as elsewhere in Europe, left a deep mark on the national psyche. Nevertheless, it is important that the myths of the past do not pre-



vent the proper protection of national cultural heritage and understanding of the problems of the present. Butrint and Albania have suffered a greater loss of archaeological and cultural material in the past nine years than the Italians managed to extract in nineteen. Some matters for considerable concern arise from the events of 1992 and 1997, especially as regards the international policing of the sale of looted but known material. In first place must be the apparent failure of responsible authorities, contacted separately on two continents, to take the necessary and obvious action in this case. Overriding this though, is the necessity to look to the future and to place the events of the past into their full perspective.

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### Acknowledgements

Thanks are due to the many who have assisted with this article. Foremost are Lord Rothschild and Lord Sainsbury of Preston Candover, trustees of the Butrint Foundation, who have supported the necessary research, and also the Drue Heinz Trust, which contributed generously to this programme. I would like to express gratitude to colleagues who have provided or checked elements of this story; Dr Elizabeth Bartmann, Dr Kurt Verneisel, Prof. Brian Rose, Etleva Nallbani, Prof. Richard Hodges, Dr Lida Miraj, Dr Ilir Gjipali, Dr Iris Pojani, Dott.ssa. Anna Maria Liberatti, Dr Dhimosten Budina, Pellumb Naipi, Dott.ssa. Maria Rosario Zuccaro.

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## In the News

JENNY DOOLE

### Trial of Frederick Schultz

The **high-profile New York trial of Frederick Schultz** (see In The News, *CWC* issue 9), former president of NADAOPA (National Association of Dealers in Ancient Oriental and Primitive Art) ended on 12 February with his conviction. The jury deliberated for four hours before finding Schultz **guilty of conspiring to smuggle and possess looted Egyptian artefacts** (see Gerstenblith and Watson articles this issue.)

On 11 June **Judge Jed Rakoff sentenced Schultz to 33 months imprisonment**. The judge explained an additional **fine of \$50,000** was remarkably lower than the pre-sentencing recommendation of \$575,000 because jail sentences are more of a deterrent for white-collar criminals. There had been some debate over the value of economic damage the case entailed, revolving around the value of the **smuggled head of Amenhotep**, estimated by the US Government at \$2 million and Schultz at \$70,000, even though he had sold it for \$1.2 million. Judge Rakoff decreed the value to be clearly in the \$1.5–2.5 million range but, to the dismay of archaeologists, took no account of anything other than the monetary value of the smuggled objects. Schultz is now expected to appeal.

### Celestial disc retrieved

A looted **bronze disc**, with gold depictions of the sun, moon and stars, has gone on display at the State Museum of Prehistory in Halle, Germany. Believed to date from the Bronze Age, it was **stolen in 1998 from a site at Sangerhausen**, in Saxony Anhalt. Two thieves sold the artefact for 15,000 euros (US\$13,000) to a dealer who then unsuccessfully attempted to sell it to Berlin Museum. Police finally retrieved the disc in February 2002 when a **middleman and Düsseldorf teacher** who had purchased the piece (which under German law belongs to the State) met Saxony Anhalt ar-

chaeologist, Harald Meller, to negotiate a sale. Both teacher and go-between were arrested, but not yet charged.

### Status of International Conventions

- At the end of January, the **French government** made moves towards adopting the **1995 Unidroit Convention** when an initial reading of the bill to ratify was adopted by the Assemblée Nationale (lower-house). It was noted that any ratification (not expected until autumn at the earliest) would have to be accompanied by legislation to ensure that the terms of the Convention do not contradict France's constitution. At a Press Conference on 3 October 2001, the **Syndicat National des Antiquaires** (National Dealers' Association of France) had already pointed out that Chapter 3 of the convention contravened the European Convention of Human Rights and the French Constitution. President and Oriental dealer Dominique Chevalier also noted that, should the Unidroit Convention become law, **museum curators fear** that collectors will be too scared to lend objects to French museums, and said that major donations to the Musée Guimet had been suspended while donors awaited the government's decision. The Syndicat, which has signed recent agreements with TEFAF and the British Art Market Federation to fight ratification of the Convention in its present form and vowed that if it were to become law in France they would support and encourage challenges to its legality in the courts, announced themselves very satisfied that the government had noted problems they felt to be inherent in the Unidroit text.
- *January:* The **Cambodian government** announced that it has **ratified the 1995 Unidroit Convention** following a unanimous vote in favour in the national assembly.
- According to reports in the Japanese press,



the **Japanese government is making moves** towards signing the **1970 UNESCO Convention**. Some changes in Japanese law and other amendments must first be completed before the terms of the Convention could be met, including a change in the statute of limitation on claiming return of stolen property (from 2 years to 10 years), stricter import and export controls, and the creation of a list of cultural heritage. Japanese diplomats have indicated that the issue is a top priority and it is hoped the ratification will be approved during the current session of the Japanese parliament.

- In March, Tessa Blackstone, UK Arts Minister, announced that the **UK government will sign up to the 1970 UNESCO Convention** by July. Legal issues relating to the form of UK accession to the Convention have now been resolved.
- During the November 2001 **World Trade Organization Ministerial Summit**, in Doha, Qatar, at which countries agreed a working agenda on trade negotiations which will be negotiated over coming years, the notion of '**cultural exception**' was upheld in principle. Under the terms of the first General Agreement on Tariffs and Trade (GATT) 1948, indirect restriction or discrimination in international trade is not permitted, but special exceptions have been allowed regarding measures intended to promote or protect national cultural interests and values.



## Museum ethics

- Hershel Shanks, writing in *Biblical Archaeology Review* (September/October 2001), reflects sadly that stricter museum policies are causing loss of knowledge, because artefacts of scholarly importance are now more likely to be sold to a collector 'who would keep them a secret lest he be vilified by the archaeological establishment'. He cites as an example one of two **collections of eulogiai** (enigmatic ancient Greek-in-

scribed tokens associated with early Christian pilgrim shrines) which was purchased on the antiquities market by the British Museum in 1973 — a purchase which the Museum confirmed would no longer be possible as their acquisition policy now requires that, except in exceptional circumstances, that unprovenanced antiquities must have documentation to show they left their country of origin before 1970.

- Geoffrey Lewis, Chair of the Ethics Committee of ICOM (International Council of Museums) reports that **six alleged violations of the ICOM Code of Ethics** were discussed during between 1998–2001, including acquisition or display by museums of allegedly illicitly exported material, a senior museum worker contributing to the catalogue of an exhibition which contained stolen artefacts, and issues surrounding public valuation services by an art dealer at a major museum event. ICOM's Code of Ethics has, after consultation with the membership, been thoroughly revised and is available on ICOM's WWW site at <http://icom.museum/>.
- The **National Museum of Taiwan**, Taipei faced criticism from national legislator Chen Chin-jun, who declared it a disgrace that in 50 years the museum still **hasn't finished inventorying its collection**, and made public his belief that some museum staff had been working with antiquities traders to **steal and sell museum pieces**. Chen said that, based on current museum lists, at least a **thousand objects are missing** from store-rooms and checks indicated that some had been substituted by modern reproductions. A representative from the Council for Cultural Affairs announced that a working group would be assigned to look into the matter, while museum director James An added that inventory work should be complete within the next two years, which could confirm whether or not museum workers have been involved in any illegality.





## Nok resolution

*January:* French Minister for European Affairs, Pierre Moscovici, announced that under the terms of **an agreement between the governments of France and Nigeria**, three apparently **illegally exported Nok terracottas** currently on display in the Louvre (see In The News, *CWC* issues 6 & 7 and Red Alert in Nigeria issue 6), will **remain in France**. Nigeria's legal ownership of the pieces is confirmed, but they will be kept for a 25-year, renewable term at the future museum of ethnography at Quai Branly, Paris. ICOM welcomed the agreement.

## Latin American meeting

In April 2002 the Ministry for Culture of Colombia hosted the **Third Regional Workshop Against Illicit Traffic of Cultural Heritage**. As part of the four-day meeting, archaeologists, museum and heritage professionals from around the world began the process of developing an **ICOM Red List for Latin America**, using as an inspiration the highly effective format of the Red List for Africa produced in 2000.

## Looting in Java

According to *The Art Newspaper* (April 2002), **Javanese cultural heritage is under increasing threat**, especially since the fall of the Suharto government in Indonesia in 1998.

- Widespread looting is taking place of medieval **Majapahit sites** in East Java, and **shipwrecks in the Java Sea**.
- Spectacular **Hindu-Buddhist temple sites** like Borobudur and Prambanan in Central Java, have apparently been **looted out** since the 1960s. Many heads and even whole figure have allegedly been stolen, smuggled out and replaced with excellent replicas produced by local stone masons.
- During the 1980s, shipwrecks were legally, though allegedly dubiously, excavated by marine archaeologists under the auspices of Admiral Sudomo of the Ministry of Stabil-

ity, and objects removed from Indonesia.

- The **Tek Sing horde** of 350,000 Qing dynasty ceramics, excavated off the coast of Sumatra with the help of Indonesia officials, found its way to the **Nagel salesrooms** in Stuttgart after being smuggled in container loads via an Australian beach. **Auctioned in November 2002** the collection made \$10.1 million, and the Indonesian government eventually managed to claw back one third of the profits.
- Javanese artefacts often end up on sale in **Singapore**, which imposes few controls over art sales. Magnificent, unprovenanced East Javanese sculptures have been seen for sale in **Tanglin Mall**, and Majapahit items are offered in magazines like ***Orientations*** and ***Arts of Asia*** by an anonymous seller, with only a yahoo.com e-mail and Singapore fax contact number.

## Begram ivories adventure

Oriental dealer **Johnny Eskenazi** describes in *The Art Newspaper* (January 2002) how, following a two-year search and a tip-off from one of his regular middlemen in Peshawar, he finally located **107 Begram ivories** in 1996 in the possession of a powerful **Pakistani official**. The ivories, looted from Kabul Museum when it was destroyed during the Afghan civil war in the early 1990s, had apparently been smuggled into Pakistan by mujaheddin commanders and sold, probably for not very much to Pakistani politicians who then found the pieces too hot to tempt Western collectors. Eskenazi describes how he was taken in disguise and at dead of night to a rich house and the treasures were presented to him in three large suitcases, wrapped in pink toilet paper. The ivories were apparently beginning to crumble. Eskenazi laments that 'political correctness' (or a general unwillingness in the West to sponsor looting by buying looted antiquities) prevented him from saving them, and concludes that they should belong to anyone willing to look after them for future generations.



## Tales from USA

- Archaeologists in Utah, USA reacted angrily to a scheme run by a San Juan County landowner which, for **\$2500 per day**, offers members of the public the **chance to dig** for relics at the 1000-year-old, **Anasazi site of Montezuma Village** which contains nearly 100 house mounds. The business, called **Anasazi Digs**, is legal, since state antiquities laws do not apply to private land with the exception of burials. Howard Ransdell, whose family have owned the property since the 1950s, said that only areas in danger from erosion would be offered for commercial excavation, under the supervision of anthropology graduate Daniel Thomas, and that the idea was to give people the opportunity to dig in an undisturbed site.
- Archaeologists in **Texas** continue to push for **stronger grave protection laws** and better enforcement in the light of extensive pot-hunting for prized **Caddo ceramics** in the State. But opposition from amateur archaeologists and private landowners is strong: Bob McWilliams, founder of Texas Amateur Archaeological Association, quoted in *The Knight Ridder Tribune*, argues that private citizens have the right to use private property as they see fit.
- Concerns that widespread looting was destroying an unexcavated **ancient shell mound at Hooker Key in Pine Island Sound**, Florida, led to archaeological rescue excavations at the site in 2000. Artefacts and radiocarbon dates from samples taken from areas damaged by looters' holes up to 9-feet deep, have proved that the midden was occupied from 500 BC to AD 100 — much earlier than archaeologists previously believed. A two-year restoration project has now been completed to **restore the gaping pits** in the sides of the mound.
- Robert Hicks of the Virginia Department of Criminal Justice Services (see Time Crime: Looting in the USA, *CWC* issue 9) told a

conference on Indian Affairs that, when a sheriff organized members of a local Cherokee tribe to **patrol a Native American cemetery** in Tennessee which was frequently targeted by grave robbers, **looting there stopped**.



## Austrian antiquity decision

The Austrian Supreme Court ended a lengthy legal dispute when it **awarded ownership** of a 2000-year-old **statue of the Greek goddess Hekate** to a kebab shop owner who purchased it from a German customer in 1980 for £1000. In 1997, the Turkish Embassy had obtained an injunction to stop the piece being auctioned for more than a million pounds at **the Dorotheum auction house in Vienna**, claiming that it must have been looted and smuggled from **eastern Anatolia**. The kebab shop owner proved good faith with a written purchase agreement.



## Chinese dilemma

Archaeologists continue debating the wisdom of opening the 1200-year-old **mausoleum of Qianling**, tomb of Empress Wu Zetian and her husband Emperor Li Zhi, the only Tang dynasty tomb not to have been looted. Authorities say they have found evidence of **eight recent failed robberies** there.



## Israeli issues

- *December 2001*: Officials of the Israeli Antiquities Authority, acting on a tip-off, detained a **group of scuba divers** from coastal kibbutz Neveh Yam, on **suspicion of stealing artefacts** — including amphorae, coins and architectural pieces — from the sea near the Roman port of **Caesarea**. The alleged thieves face up to three-year prison sentences.
- Officials in the Antiquities Authority's Unit for the Prevention of Antiquity Theft warn that probable **budget cuts will hamper their abil-**



ity to protect the estimated 30,000 ancient sites under their jurisdiction in the country.

- Three young Palestinians were caught in February attempting to **break into an ancient tomb in Gai Ben-Hinnom**, a steep ravine circling the west and south of the Old City of Jerusalem and the site of a wealth of unexcavated caves in which high-ranking ancient citizens were buried. Amir Ganor head of the Unit for the Prevention of Theft of Antiquities blames economic suffering caused by the unrest for the **recent rise in grave robbing and antiquities thefts** by Palestinians, particularly along the Green Line.

## French windfall

*December 2001:* French museum authorities took possession of a **selection of more than 100 Italian antiquities**, which had originally been **confiscated in 1992** by French customs officials at Thionville, in eastern France. The objects, worth as much as \$11,000 each, included bronze necklaces, bracelets (some with fragments of ancient bone inside), spearheads, and pins, along with Etruscan busts and Roman vases, and dated between the seventh and eighth centuries BC. They were found roughly packed in newspaper at the bottom of large suitcases carried by two train passengers en route from **Milan to Brussels**. The bronzes were looted from tombs in the **Basilicata region**. According to the Louvre, which will add some of the pieces to its permanent collection, Italian authorities declined to take steps to recover the artefacts, probably because of a surplus of similar objects within Italy and the complicated legal process repatriation would have entailed.

## Sybaris antiquities returned

*November 2001:* About **500 antiquities** were returned to the **Museum of the Archaeological Park in Sibari**, Southern Italy from the **J P Getty Museum in California and the Institute for Classical Archaeology at the**

**University of Bern**, Switzerland. The terracotta and bronze pieces had been acquired as donations between 1976 and 1983 but have been the subject of negotiations since 1993, when an archaeologist recognized them as having come from the ancient Greek city of **Sybaris**.

## Greek round-up

- **274 artefacts** stolen from **Corinth Museum** in Greece in **1990**, and recovered by the FBI in Miami in 1999 (see In The News, CWC issues 5, 6, 7 & 8) were due to be **returned to display** once more at the museum on December 1. Security at the site has been improved.
- In September 2001, archaeologists investigating **illegal excavations in Macedonia**, Northern Greece found a previously unknown, archaeologically significant **2300-year-old tomb** near the ancient route to the oracle of Zeus at Dodona.
- More than **100 ancient vases, vessels, pottery fragments and statues** were confiscated in January from the **Athens home** of retired economist George Gerogiannis. Gerogiannis was arrested for illegal possession of the antiquities, which date from early prehistoric to late Byzantine eras.
- *January 2002:* Argiris Argiriou was arrested in **Thessaloniki** after police found in his possession around **1000 allegedly illegal antiquities**. The objects, including gold coins, statuettes, amphorae, belt buckles and swords, mostly from burial sites — are believed to have been obtained from **black market dealers in Greece, Macedonia, Bulgaria and Turkey**. Argiriou produced Greek owner's permits for some of the objects.
- *February 2002:* **Hundreds of ancient Egyptian and Greek artefacts** — including an Egyptian necklace, 411 bronze and silver coins, 200 Archaic, Classical and Hellenistic period bronze amphorae, clay



lamps, statuettes, swords, jewellery items, arrowheads and belt buckles — were found and seized during a search of a house in **Serres**. **Nikolas Laoutidis** will be charged with **theft of antiquities**.

- *February 2002:* Athenian police intercepted **5 men negotiating the sale** to a foreign buyer of **19 illicit antiquities** for 440,000 euros. The collection of Classical period pieces included terracotta, bronze and marble artefacts and a 20-cm-wide golden wreath in the shape of a bent oak twig with leaves and acorns.
- In February 2002, police in the Southern Greek town of **Kalamata** **confiscated two ancient statues and 16 Byzantine coins** from the home of **Pandelis Semertzidis**, who they believe **intended to sell them**.
- In February 2002 **Michalis Halkitis**, a goatherd from the Greek island of **Kalymnos**, his family and three neighbours, were given a **294,000 euro reward** for reporting to the Central Archaeological Council the **discovery of 37 marble statues and fragments** in a field near the early Christian basilica of the Jerusalem Christ. The statues, found when a cistern was being dug, date between the third and first centuries BC and may have been connected with a nearby temple of Apollo.
- *March 2002:* **Giorgos Krambokoupis**, owner of a bulldozing firm in **Agrinio**, was arrested following the discovery by police of **17 Archaic, Classical and Roman bronze, marble and clay antiquities** in his home in **Neapolis**. He had attempted to negotiate a sale and was charged with **illegal trading in antiquities**.

## News from Egypt

- An **Egyptian citizen** ceded a collection of **17,000 antiquities** to the Egyptian Culture Ministry. Officials said that the pieces, of Pharaonic, Graeco-Roman, Coptic and Is-

lamic date, were assessed and moved into official stores.

- **Five inscribed-stone architectural elements** stolen by night from the **Ramses II fort at Om El Rakhm in Mersa Matrouh**, have been recovered by the Supreme Council of Antiquities. The identity of the thieves was not revealed.

## Pakistani seizure

A steel box containing **18 second-century AD Buddha statues**, destined for **Dubai**, was seized by Pakistani officials at **Peshawar airport**, close to the Afghan border.

## Puglia artefacts recovered

*February 2002:* Italian police filed complaints to magistrates against **21 people in connection with a crime ring** alleged to have been stealing archaeological artefacts to order for Italian collectors. During a three-month operation, about **500 items looted from Puglia**, southern Italy and dating from 400 BC to AD 200 were recovered (including black figure vases and ancient helmets) often from open display in peoples' homes. The pieces were sold via a middleman in Milan to well-to-do clients, like medics, architects and lawyers, who had **commissioned the thefts** and, according to police chief **Sergio Banchellini**, knew perfectly well that what they were buying was illegal.

## Bond Street raid

A Bond Street, London **antiquities dealer** offered a **£22,000 reward** for information leading to the safe recovery of **Cambodian, Indian and Tibetan artefacts** worth up to £250,000 **stolen** from his shop in December 2001. Half of the foot of a 6-foot tall, £110,000, thirteenth-century wooden Buddha had apparently been broken off during the robbery and was found near a window on a fire escape the thieves used to make



their getaway. Many even more valuable pieces were ignored by the robbers during the raid, leading police to believe they were disturbed or ignorant of the value of the objects and probably sold them on for a pittance.

## Indian discovery and arrest

- *January 2002:* A stunning 800-year-old **statue of the Hindu god Vishnu**, weighing over 50 kilograms and decorated with gold alloy, was **discovered in a police stolen property store in Roop Nagar**, New Delhi during a routine stock check. A police officer unaware of its worth seized the piece five years ago from a man named **Bhatti**, who had tried to sell it in a central Delhi restaurant. The sculpture, worth £2.8 million, will now go on display in a museum.
- A long police investigation in **Bangalore, Mangalore and Nellore**, India led to the arrest in May 2001 of **two men for alleged involvement in the theft** of three valuable idols from the **Sri Chanakeshvaswami temple in Chitlure village, Nellore**, Andhra Pradesh, Southern India. The pieces — **Vijaynagar period sculptures** of Hindu deities Vishnu, Sridevi and Bhudevi, which had been stolen at the end of September 1999 — were seized at the Ardarsh Hotel, Mangalore in February 2000. It is alleged that M Jagdish Rao, who owns the hotel, was in regular contact with Rakesh Dhiman who procured antiquities for him from a thief and a middleman, both of whom remain at large. Delhi's Central Bureau of Investigation are awaiting clearance from local government to catch the **other members of the a Nellore-based gang** involved in stealing antiquities.

## Euro question

Responding to a **question by a Greek Euro-deputy**, the **European Commission** said they will **call on the Turkish authorities** to adopt

the EU Council of Ministers Regulation on the export of cultural good and respect the Directive for the return of cultural goods that have been removed illegally from an EU member-state.

## Illegal metal-detecting in Ireland

Archaeologists excavating at **Cullenmore Bends of Ashford in Wicklow**, Ireland have had problems with **illegal metal-detectorists trespassing** on sites in the area following a newspaper article which, according to the archaeologists, falsely stated that a Bronze Age jewellery industry may have been located there.

## Gold Museum up-date

The **Gold Museum of Lima**, Peru is appealing against a **government fine of around \$17,700**, imposed when it was discovered that many of the **objects in its collections are modern creations** and some not even made from precious metals (see In The News, *CWC* issue 9). Following scientific investigations, Peruvian consumer protection agency INDECOPI concluded that **27 per cent (about 4200 items) were fakes** and these are reported to have removed them from display. Victoria Mujica, daughter of the museum's founder, emphasized that the museum has now put the scandal behind it and is now modernizing its presentation and planning a series of international exhibitions.

## Afghan up-date

- During a visit to UNESCO headquarters in Paris in March 2002, **Hamid Karzai**, interim leader of Afghanistan, **urged the United Nations and Afghanistan's neighbours** to help stop widespread smuggling of Afghan cultural heritage. He stressed that his country does not have the resources to prevent looting and smuggling of archaeological material and portable antiquities, and referred to numerous stories of **business-**



**men organizing the looting of archaeological sites** and graves for material to sell on the black market.

- On the same visit, Afghan Culture Minister Raheen Makhdoom signed **an agreement for UNESCO help** to reopen, or possibly build anew, Kabul's destroyed **National Museum** to provide a home for artworks now looted which the nation hopes to retrieve.
- IWPR (Institute for War and Peace Reporting) reported on afghanweb.org (17 April 2002) that **looting is on the rise in post-Taliban Afghanistan**, with authorities powerless to stop or prioritize policing the plunder:

The number of **illegal excavations** has **more than doubled** in recent months.

- Best locations for digging are well-known: ancient sites in the Eastern provinces of **Nangarhar, Laghman and Kunar**. Illegal excavations are also mentioned in the districts of Sherzad, Pacheer and Agam, Surkh Road, Rodat and Haskamina.
- A Pakistani owner of a shop in Andarshar bazaar, Peshawar, who gave his name as Mohammad Zareef, has **two ongoing illicit excavations** on hills near **Wazeer and Zaviee** villages which, he believes (having studied maps of ancient Gandhara) will yield Buddhist artefacts. He pays the locals before work begins and does not view the digs as illegal since he says the villagers regard material found on their land as theirs.
- Two **1.5-metre-high Gandharan sculptures** are the latest find from unlicensed digging by locals near the villages of **Tutu and Nari Taba**, Sherzad.
- At **Baloch village**, Surkh Road, villagers had been **digging for 10 days** with no major finds, but remained optimistic saying they heard every day of someone who struck lucky, and of the money they made.
- A digger in **Laghman** said he had made **more than 100,000 rupees**, adding that although he knew it to be illegal he had **no other way** to make the money to feed

his large family.

- Maulawee Anwar ul-Haq, head of the information and culture department for Hangarhar admitted that although they **were informed of illegal excavations** it was difficult to act since smugglers had often **bribed local armed militia** commanders for protection, and authorities are tied up with political matters.
- *Archaeology* magazine devotes much of its May/June 2002 issue to '**The Race to Save Afghan Culture**', reporting the concept and struggles behind the creation of the **Afghan Museum in Bubendorf**, Switzerland (see In the News, *CWC* issue 6 and Editorial, issue 8). Founder of the museum, Swiss architect **Paul Bucherer-Dietschi**:
  - explains why he felt compelled to create a **safe-house for looted and smuggled Afghan cultural material**, to be returned to the country when the time is right — a project which he began in the 1990s;
  - describes his **relations with UNESCO** (who eventually, in 2001, established a policy on saving Afghan cultural heritage following the destruction by the Taleban of the Bamiyam Buddhas: see *CWC* issue 8) as difficult. According to Bucherer even a last-ditch official edict from the recognized president of Afghanistan, allowing him to take objects out of the country to safety, was not acceptable to UNESCO;
  - believes that **criticism from scholars**, who suggest that buying looted antiquities means buying into the looting process, is motivated by professional jealousy;
  - recalls that the only point of common agreement amongst warring factions within Afghanistan was often a **desire to save cultural heritage**.

The museum now houses and displays mainly ethnographic material, often donated by Europeans and Americans who purchased them while working or travelling in Afghanistan, with some donations from antiquities dealers and collectors. The enterprise also stores in safe bank



vaults some **archaeological items of considerable importance.**

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## The investigation of Frederick Schultz

PETER WATSON

The investigation into Frederick Schultz began way back in May 1994 when Detective Sergeant Richard Ellis, of Scotland Yard's art and antiques squad, was notified by Dr Jeffrey Spencer of the British Museum Department of Egyptian Antiquities that 27 Egyptian papyri sent to the museum to be translated and assessed had been identified as stolen from a government store in Egypt. A colleague of Spencer's, Professor Henry Smith, had actually discovered the papyri in the Sacred Animal Necropolis, North Saqqara in Egypt in 1966–67, and had personally supervised the numbering and storing of them in Magazine Number 8 of the Egyptian Antiquities Organisation. Smith had last seen them in the magazine when he visited Egypt in 1986.

According to a 1983 law, all antiquities in Egypt are the property of the state and the unlawful removal of them from the country subsequent to that date is theft.

Initial inquiries revealed that the papyri had been sent to the museum by a certain Andrew May, who lived in a large manor house near Barnstaple in Devon, England. Further inquiries showed that next to the house was a cottage and barn and that the previous summer, 1993, the occupier of the cottage, Jonathan Tokeley-Parry,



Figure 1. Jonathan Tokeley-Parry inside his workshop.

had reported a burglary to the police in Barnstaple. Tokeley-Parry alleged that an Egyptian stone head, valued at £100,000, had been taken.

Tokeley-Parry, who was in his mid-forties and boasted a degree in moral sciences from Cambridge University, England, described himself as





**Figure 2.** *The tomb of Hetepka, at Saqqara.*

a restorer of antiquities (Fig. 1). But Ellis immediately suspected that he was in fact the man responsible for acquiring the antiquities and that he had used May to obtain an expert opinion from the British Museum to distance himself from the objects should they be recognized.

Search warrants were obtained for both Andrew May's manor house and the cottage and these addresses were raided on 28 June. Dr Spencer was present to give an expert opinion on any objects found.

During the raids, a large number of antiquities were seized as well as numerous files and many photographs. The barn adjacent to the cottage was found to be a workshop, where an assistant confessed that Tokeley-Parry had explained how he camouflaged antiquities in Egypt to look like modern tourist trinkets, so they could be smuggled out. A favourite method was to cover the objects in liquid plastic, paint them over in garish colour then, when they had arrived in Britain, dip them in acetone, so the plastic was removed.

Ellis also discovered that Tokeley-Parry had quarrelled with May and moved out of the cottage, though he still kept his workshop in the barn. Later that day, therefore, another search warrant was obtained for Tokeley-Parry's new address, at Iddesleigh in Devon, and that too was raided. More antiquities were found, together with hundreds of photographs showing exactly how Tokeley-Parry disguised the objects he intended to smuggle.

While Ellis and his colleagues were still at the cottage, completing their search, Tokeley-

Parry himself arrived back, having just returned from a trip to Egypt. He had on him an antiquity, which he admitted to having 'picked up in the desert', and a journal, with a written account of his recent travels. As a result of these events, Tokeley-Parry was arrested for the dishonest handling of stolen antiquities, as was Andrew May.

In subsequent months, as Ellis delved deeper into the documentation, and the copious photographic records which

Tokeley-Parry kept, the nature of the illegal traffic became clear. In the words of one Scotland Yard report, Tokeley-Parry operated on 'a wide scale and clearly on an international basis'.

The documentation showed that Tokeley-Parry's accomplices included the Farag family in Cairo (two brothers and the father), and Frederick Schultz, a dealer in New York. The restorer also had an accomplice in Barnstaple, who couriered objects out of Egypt, via Athens. Other goods were sent by the Farags to Switzerland, where they were given false documentation by yet another accomplice to make it appear they had come from Germany, before being forwarded to London.

Ellis' investigations eventually led to four criminal trials, two in Britain, one in Cairo and the recent proceedings in New York.

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Events prior to and during Tokeley-Parry's first trial, in January 1997, were both farcical and sinister. In 1996, he applied to the court for the return of his passport, which had been confiscated when he had been charged, so that he could, in the words of one Scotland Yard report, 'travel to Switzerland to comfort a former fiancée whose mother had apparently died'. This request was refused. Undeterred, Tokeley-Parry went to the passport office in Petit France and applied for another passport in the name of Jonathan Foreman (which was in fact his original name; Tokeley-Parry was a later invention).

The Swiss visit was not the compassionate 'mercy dash' it seemed. According to a witness statement which Ellis later signed, 'Enquiries



with the Swiss Police revealed that no such death had occurred and no such address existed . . . The passport was granted enabling Tokeley-Parry to travel abroad and to hinder the investigations which were then being made . . . with the Swiss authorities'. In short, he closed down bank accounts which would have revealed money transactions between him and various accomplices. (Tokeley-Parry was later convicted for this passport offence.)

In a final bizarre twist, before the prosecution could conclude their case, Tokeley-Parry, in breach of his bail conditions, returned from Knightsbridge Crown Court to Barnstaple where he admitted himself to the psychiatric unit of the North Devon hospital — and took hemlock. This unsuccessful suicide attempt prevented police from arresting him for breach of his bail and, due to the temporary paralysis brought on by the hemlock, the trial had to be aborted.

The suicide attempt, and the hemlock, were in keeping with Tokeley-Parry's extraordinary personality. Besides his elaborate name change, he claimed to have been a cavalryman, when inquiries showed that he had been in the Territorial Army; he possessed no fewer than 40 hand-made suits, and at the time of his arrest was trying to sell the idea of the Puffin, a small aircraft for covert operations, to the armed services. According to Scotland Yard documents, he 'modestly claims to be the best restorer of Egyptian antiquities in the world' and was so convinced he would be acquitted that he had prepared a Press Release based on that result even before the trial started.

In the summer of 1997, however, a second trial took place. Press release or no press release, Tokeley-Parry was found guilty on two counts of dishonestly handling antiquities and one of making a false statement to procure a passport. He was sent to jail for six years.

Among the objects which Tokeley-Parry had handled were a pair of false doors said to have come from the tomb of Hetepka at Saqqara. Saqqara is a famous ancient cemetery west of the Nile, behind Memphis, near Cairo (Figs. 2 & 3). Hetepka was a royal hairdresser (memorably described in the London trial as 'The Vidal Sassoon of the Pharaohs'). A part of the false door had been



**Figure 3.** Inside the tomb of Hetepka, before it was looted, showing the false doors.

found under Tokeley-Parry's bed in his cottage. Other pieces found in the workshop were also identified as having come from this tomb, together with academic articles written about the tomb.

In late 1994, Ellis travelled to Egypt, with another Scotland Yard officer, Anthony Russell, and together with Colonel Abdul Hafiz of the Egyptian Antiquities police, they went to Saqqara where, on the 19 November, they broke the seals of Hetepka's tomb and entered it. The insides had been completely destroyed and what hadn't been destroyed had been removed (Fig. 4). Interrogation of the local staff established that the tomb had been broken into in December 1991. Records showed that Tokeley-Parry had visited Cairo in both December 1991 and January 1992.

\* \* \*

The full nature of the collaboration between Tokeley-Parry and Frederick Schultz was not disclosed at the British trial and was revealed for the first time only in New York. Most revealing perhaps was the routine correspondence between the two men. Tokeley-Parry often referred to Schultz as '004<sup>1/2</sup>' and signed himself '006<sup>1/2</sup>'.

Tuesday I'm going south . . . ask for Mr Johnson (that's me) or leave a message with Makhmoud Ibrahim (Ali's brother). Talk Italian, or veiled speech.





**Figure 4.** *Inside the tomb of Hetepka, after the looting.*

What a year was 1991! Two major pieces (and an 'also ran'). Now that Ali and I are making fewer blunders, and can afford to buy things, and have our new source I'd reckon to turn up another two major finds this year, as well as good marketable stuff. If you can put down deposits so as to keep me in funds, I'll be able to turn everything over to you — on consignment or sales, as preferable. I'm looking forward to 1992. As you say, when we aren't playing f\*\*\*\*\* bankers and insurance salesmen, it really is fun, this great game. (Have you read Kipling's 'Kim'?)

There is also, from the same tomb, a pair of wooden Striding Figurines with bases, and another complete limestone, but smaller. I am trying for all of these, and whether I get them depends on how soon you can get some money over to me . . . I spoke with Ali about the pair of Reliefs, and he assured me that the Tomb is completely unknown to the Government . . . I am certain there will be no problems about these pieces. I am sufficiently content about this to send over some Thom Alcock labels for them. [see below]

By his own admission, Tokeley-Parry smuggled some 2000 antiquities out of Egypt. According to a report which Ellis prepared for the Organized Crime Group at New Scotland Yard, and which was specifically drawn up for the FBI,

Schultz received at least eight important pieces from Tokeley-Parry. The report states: 'It is clear from documents discovered that Schultz is a co-conspirator in the theft and dishonest handling of these antiquities and has been a main source of both finance and disposal. Key objects have been sold through him in the USA.' And, elsewhere, 'The principal contact [was] Frederick Schultz . . . who was sent the pickings of Tokeley-Parry's stolen antiquities.' According to a second report for the US authorities, Schultz was a 'knowing receiver', from Tokeley-Parry, of antiquities stolen from Egypt and issued with a false provenance and 'the main outlet for the sale of stolen antiquities' supplied by Tokeley-Parry. 'Schultz would appear to be the principal banker who has been pay-rolling much of the other criminal enterprises operated by Tokeley-Parry.'

Evidence concerning three specific antiquities formed the backbone of the case.

The first example concerns a piece known as 'The Offerer'. Some time after Tokeley-Parry was arrested, Ellis received a phone call in his office on the fifteenth floor at New Scotland Yard. It was Schultz in New York. He had obviously heard about Tokeley-Parry's arrest and said that one of the pieces Ellis had seized belonged not to the Englishman but to him. This was a faience figure of a king kneeling at an altar, adorned by three gods known as the Theban Triad.

Ellis told Schultz that if he could send him some documentary proof that the figure was his, he would see what he could do. Sure enough, a few days later, Ellis received a letter from Schultz enclosing a receipt which showed that he had bought 'The Offerer' for \$25,000 from another dealer in New York, Joseph Gerena, on a particular date during the previous year.

Despite this, Ellis held on to 'The Offerer.' It was partly instinct but by then he had begun to work his way through Tokeley-Parry's seized files and it was emerging that Schultz was a major player and partner in Tokeley-Parry's operation. This documentation showed that Schultz provided much of the funds for Tokeley-Parry's activities. For example, towards the end of 1994 Tokeley-Parry faxed a letter to Schultz in which he said that some builders were 'obviously sitting on a temple site that covers some span of time' and had a number of stelae for sale and



wanted an initial payment of £25,000. The following month Schultz wired \$25,000 to a bank in Zurich and, according to the indictment laid down in New York, recorded in his ledger for Frederick Schultz Ancient Art as follows: '\$25,000 wired in from FL [Florida, where he had another office] and then wired back out to Ali Farag who is a close associate of Jonathan Tokeley-Parry as a down-payment on Egyptian collection'.

As part of his investigation, as we have seen, Ellis visited Egypt in 1994. There, he discovered from the Egyptian antiquities police that Tokeley-Parry's local accomplice, Ali Farag, had registered a collection of antiquities, as Egyptians are required to do under the 1983 law. Parts of the collection, however, including 'The Offerer' figure, had been replaced by replicas intended to fool the antiquities police.

Documentation, including photographs, found at Tokeley-Parry's workshop, showed that 'The Offerer' had been brought to Britain where, in Barnstaple, Tokeley-Parry had had a mould made, by the craftsman who had created the prostheses for the film, 'The Elephant Man'. This man, Stephen Grassby, who gave evidence at Tokeley-Parry's trial, confirmed that he had made moulds for several pieces for Tokeley-Parry, including 'The Offerer', and had produced replicas. The documentation showed that the replicas had been sent to Egypt, while the original had been sent on to Schultz in New York. Schultz had sent it back to be further restored.

Given all this, Ellis decided to call on the New York dealer who claimed to have sold 'The Offerer' to Schultz when he was in Manhattan a few weeks later, tidying up some loose ends of the Tokeley-Parry investigation. He turned up unannounced at Gerena's gallery on 86<sup>th</sup> Street, together with a colleague from the FBI. Gerena was out but returned soon after. Wrong-footed by this unannounced visit, he immediately admitted that, though the receipt for \$25,000 for 'The Offerer' figure was his, he had never seen the piece, never owned it, and never sold it.

Why then, Ellis asked, did he produce it? Because Schultz asked for it, replied Gerena. 'As a favour.' In other words, the receipt was phoney.

Next, Ellis cold-called Schultz. The dealer wasn't pleased by the visit and refused to talk

without a lawyer present. A meeting was arranged for the following day, between Ellis, the FBI, Schultz and his attorney. Schultz never showed.

\* \* \*

The second antiquity was a head of Amenhotep III, the most powerful pharaoh of the 18<sup>th</sup> Dynasty of Egypt (1580–1304 BC). This was described by Tokeley-Parry as 'the most stunning piece' he had ever handled. He put a value on it of £850,000.

Tokeley-Parry admitted in court that he had come across this piece, known as 'AIII', when he had been out in Egypt, in Ali Farag's shop in Cairo, when some men had arrived, to say they had uncovered the object at a building site in the Egyptian capital: it was still covered in dirt. (Tokeley-Parry's defence at his trial was bold to the point of being brazen. He freely admitted he had smuggled looted antiquities out of Egypt but claimed that that's where his criminality stopped, that it is no crime in the UK to import looted objects into Britain.)

Tokeley-Parry had hand-carried AIII out of Egypt himself and, when he got it back to the UK, he cleaned it up, had a replica made, and then made a number of alterations 'to give it a better line'. But he also restored the piece to convey the impression it had come out of Egypt in the nineteenth century (i.e. well before the 1983 law). One of the things he did was to create some false labels to make it appear it came from the collection of one 'Thomas Alcock', which had been put together in Britain in the 1920s. He then sent photographs of this piece to Schultz, prior to shipping the piece itself.

Schultz had offered 'AIII' around, to a museum in Texas and another in Cleveland, where he described it as owned 'by the heirs of Thomas Alcock, who collected Egyptian art in the 1920s, and that it had been in possession of the heirs since that time'. In fact, though, he found no takers in the US and instead sold 'AIII' to a South African dealer, Gawain MacKinley, who in turn had sold it on to a London dealer, Robin Symes, whose gallery was in Ormonde Yard, just off Jermyn Street. The piece therefore had to be sent not across the Atlantic, but just across London.

Robin Symes is himself a controversial dealer. In 1997, in an exposé of Sotheby's, he was shown to be heavily involved in selling



unprovenanced antiquities at least one of which had been smuggled out of Italy.

Symes told Ellis that he had bought 'AIII' for \$1.4 million. He had had Thomas Alcock checked out and discovered that it was a fictitious collection and had discarded the bogus plinth that Tokeley-Parry had concocted, along with the fake 'Thom Alcock' labels, all of which Symes gave to Ellis. None of that appeared to matter, however, for Symes also said he had sold the piece to a London collector. He refused to say who.

At this point, February 1999, after 30 years in the police, Ellis retired from the Yard. His successor, not best pleased by Symes' non-cooperation, was preparing to apply for a warrant to search Symes's premises when an extraordinary coincidence rendered that unnecessary.

After leaving the Yard, Ellis had gone to work for the international auction house, Christie's, in their security department (he now works for *Invaluable*, a magazine and website which records stolen art). One day not long after he joined Christie's, a fax was received from Citibank listing a number of objects being held at the auction house on their behalf, as security against loans, and which the bank wanted re-appraised. And there, halfway down the list, was 'Head of Amenhotep III'. Far from selling the head to a private collector, as he had told Ellis, Symes had borrowed money against the head.

The third set of objects comprised a pair of wall reliefs taken from the tomb of Hetepka in Saqqara. These are the reliefs from the tomb which Ellis and his colleague, Anthony Russell, opened up with the General Hafiz, of the Egyptian Antiquities Service.

The documentation shows that Schultz was angry with Tokeley-Parry for having sent these to him in New York and he returned them. He did not return them directly to Tokeley-Parry, however, but to a friend nearby who had been persuaded to accept them. This was to avoid disclosing a direct link between himself and Tokeley-Parry.

The case against Schultz here was that he knew exactly where these reliefs had come from, and that they were looted, but that instead of returning them to their rightful owners, the Egyptian government, he sent them back to his business partner. This, the prosecution argued, was not the act of an honest man. Moreover, Schultz was doubly culpable because this was the second time he had done this. The documentation Ellis discovered showed that, in 1991, Schultz had handled a 5th-Dynasty stone relief and had shown it to Edna Russmann, research associate at the Brooklyn Museum. She had researched the object and discovered that it was stolen. She had told Schultz which tomb it had been taken from (Hetepka) and, moreover, informed him that two other pieces, stolen from the same tomb, and offered to a museum in San Francisco, had been returned by that museum direct to the Egyptian government.

On being told this, Schultz returned 'his' piece — once again not to Egypt, but 'whence it came'. Ellis checked this out with the shippers used by Schultz and discovered that the relief had been delivered to a vault in a Zurich bank. That vault was owned by the Farag family. Therefore, Schultz had known since at least 1991 that the Farags had been smuggling loot out of Egypt, yet had continued to send them funds to support their activities.

\* \* \*

Ellis could have had no way of knowing, when he first went down to Barnstaple, on that June day in 1994, that this is where his investigations would lead. And had Tokeley-Parry not been so vain, and cockily written everything down, the antiquities trade would not be facing such a sea change in its fortunes.

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## United States v. Schultz

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During the early 1990s, a British restorer, Jonathan Tokeley-Parry, smuggled numerous antiquities (in fact, reportedly over 3000) out of Egypt. One way in which Tokeley-Parry achieved this was by covering the antiquities to make them look like cheap reproductions. For example, he dipped a head of Amenhotep III, later valued at over \$1 million, in a clear liquid plastic, then covered it with gold leaf and painted on crude black stripes to make it look like a cheap, modern 'King Tut' replica. New Scotland Yard, however, eventually apprehended him. Tokeley-Parry was convicted in 1997,<sup>1</sup> and he subsequently served three years in jail. The antiquities that Tokeley-Parry handled included a granite, life-sized head of a queen, probably Nefertari, several papyrus scrolls, the head of Amenhotep III, a 6th-Dynasty statue of a striding figure, and several sculptural relief panels from a tomb. After smuggling the antiquities out of Egypt, Tokeley-Parry restored them and then attempted to sell them on the international art market.

Tokeley-Parry had arranged to sell some of these antiquities to a New York dealer, Frederick Schultz, the owner and president of Frederick Schultz Ancient Art Gallery, located on East 57th Street in Manhattan. These included the head of Amenhotep III, which Schultz purchased for \$900,000, tried to resell in the United States for \$2.1 million and ultimately resold to another dealer in London for \$1.2 million. He also tried to sell the 6th-Dynasty limestone figure for \$825,000.

Schultz deals in Classical, Egyptian, Near Eastern and Asian antiquities and is considered by the art trade to be one of its most prominent and respected dealers,<sup>2</sup> who, until shortly before his indictment, was the president of the National Association of Dealers in Ancient, Oriental and Primitive Art (NADAOPA). This association of dealers has been active for more than twenty-five years in representing the interests of dealers, particularly in opposing the United States' ratification and implementation of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of

Ownership of Cultural Property and in criticizing what has become known as the *McClain* doctrine — the central legal issue in the case against Schultz.

One of the most ingenious aspects of the Schultz/Tokeley-Parry scheme was the creation of an 'old collection', dubbed the Thomas Alcock Collection. The Alcock Collection was said to have been created in the 1920s (the real Thomas Alcock was a relative of Tokeley-Parry) and was now for sale by his heir. However, the existence of this collection seems to have been a complete fabrication for the purpose of making it appear that the antiquities had left Egypt before enactment of its current antiquities law in 1983. Correspondence between Schultz and Tokeley-Parry indicates that they discussed which specific objects should be 'placed' in this collection and thus given a fake but saleable provenance. The labels for the collection were aged by soaking them in tea and baking them in an oven. These facts not only indicate that Schultz was intentionally trying to evade the 1983 law, but it gives significant support to what some scholars have suggested in the past — that 'old' collections are fabricated for the purpose of evading both domestic and foreign law and giving antiquities what seem to be legitimate provenances.

In July 2001, Schultz was indicted by the United States Attorney for the Southern District of New York on one count of conspiring to receive, possess and sell stolen property between 1990 and 1996 in violation of the United States' National Stolen Property Act.<sup>3</sup> The stolen property specified in the indictment was Egyptian antiquities, illegally removed from Egypt after the 1983 enactment of Egypt's current antiquities law.<sup>4</sup> This law vests ownership of all undiscovered antiquities in the national government. The unauthorized excavation and removal of such antiquities is therefore theft. The theory of the United States government's charge was based on a case decided in the late 1970s, *United States v. McClain*.<sup>5</sup> In *McClain*, several dealers were prosecuted under the National Stolen Property Act for dealing in Mexican antiquities. Prior to the time of the prosecution, Mexico had enacted a series of laws, gradually increasing control over unexcavated antiquities. The court found that only Mexico's most recent law, passed in 1972,



was sufficiently clear in vesting ownership of undiscovered antiquities in the national government. While acquitting the defendants on the substantive counts because it was not certain whether the antiquities they were selling had been taken before or after 1972, the Fifth Circuit affirmed the defendants' conviction on the conspiracy count of continuing to conspire to deal in stolen antiquities.

The *McClain* case is very important for establishing the principle that foreign laws that vest ownership of undiscovered antiquities in the national government create ownership that is recognized by United States courts. The *McClain* decision also established several requirements for the doctrine to apply: first, the national vesting law has to be sufficiently clear so as to give notice to United States citizens of what conduct is prohibited, particularly in a criminal prosecution; second, the antiquities involved must have been discovered after the effective date of the statute (that is, the statute has only prospective effect), and, third, the antiquities must have been found within the modern borders of the nation, as the vesting statute is not given extraterritorial effect.

Over the past twenty-five years, several courts in the United States have confronted the *McClain* doctrine in a variety of legal contexts. None has ever disapproved of the underlying legal principles, although the factual outcomes have varied. The national vesting law of Turkey was recognized in two prominent cases, both of which were ultimately settled out of court — that involving the Lydian hoard, a large collection of objects that had been purchased by the Metropolitan Museum,<sup>6</sup> and a case involving a hoard of 1750 coins, also from southwestern Turkey.<sup>7</sup> The *McClain* doctrine was also applied to return a group of Pre-Columbian artefacts from Guatemala.<sup>8</sup> In two other cases, however, the claim was unsuccessful because not all of the requirements of the doctrine were satisfied. In *Peru v. Johnson*, the court held that Peru's national vesting law was not clearly an ownership law,<sup>9</sup> and in both that case and the case of the Sevso Treasure,<sup>10</sup> the claimant-nation could not establish that the antiquities had been found within the modern borders of the country.

The last case before the Schultz trial to address the *McClain* doctrine involved the illegal importation into the United States of a fourth-

century BC gold phiale from Sicily that was purchased by New York collector, Michael Steinhardt.<sup>11</sup> When the phiale was brought into the United States, both its value and its country of origin were misstated on the import forms. Because these misrepresentations were held to be material, they formed the basis for the United States government to seize and forfeit the phiale, which was subsequently returned to Italy. However, the trial court held that a second basis for the phiale's seizure and forfeiture was that it was property stolen from Italy, which also vests ownership of undiscovered antiquities in the national government. The appellate court found it unnecessary to address the phiale's status as stolen property because the material misrepresentations on the import documents by themselves were a sufficient basis for the forfeiture. The status of the *McClain* doctrine in the federal appellate court that includes New York City was thus left uncertain.

While presenting the same legal issue that the Second Circuit side-stepped in deciding the Steinhardt phiale case, in many significant ways the *Schultz* case is considerably more difficult. The Steinhardt case was a civil forfeiture — once the government established a *prima facie* case, the burden of proof shifted to the possessor of the property to disprove the government's case. On the other hand, in a criminal case, like *Schultz*, the government bears the full burden of proof and must establish the defendant's guilt beyond a reasonable doubt. In addition, the government not only needed to establish that the Egyptian law is truly a property ownership law but that the law is sufficiently clear so as to give an American citizen sufficient notice, thereby complying with the United States' constitutional guarantees of due process.

This group of cases based on the *McClain* doctrine also demonstrates the different legal situations in which the status of antiquities as stolen property can arise. For example, *Schultz* and *McClain* are both criminal cases in which the defendant is charged with dealing (or conspiring to deal) in stolen property. The Sevso case, *Peru v. Johnson* and the two cases involving Turkish antiquities were both civil replevin actions — that is, cases in which the country of origin claims to be the true owner of the property and, entering into court as would any owner, attempts to recover its stolen property. The case of the Gua-



temalan Pre-Columbian artefacts and the Steinhardt phiale case are both situations in which the United States government seized and forfeited the stolen property (which can be done as either a civil or criminal forfeiture action); the U.S. government, if successful, then returns the stolen property to the original owner (the country of origin).

In September 2001, Schultz filed a motion to dismiss the government's indictment, essentially on the basis that it did not accord with U.S. law and, secondarily, that the Egyptian law is not really an ownership law. A coalition of the two leading dealer organizations (NADAOPA and the Art Dealers Association of America), joined by Christie's and the International Association of Professional Numismatists, filed a brief in support of Schultz's motion. The major museum organizations in the United States, which had supported the collector in the Steinhardt phiale case, chose to sit this one out. On the other hand, the Archaeological Institute of America, with the support of the Society for American Archaeology, the American Anthropological Association, the Society for Historical Archaeology and U.S./ICOMOS, filed a brief in support of the United States government's position. This brief focused on the value to the United States and to all nations of the scientific excavation of archaeological remains and the role of national vesting laws in helping to protect that heritage for future generations.

Many hours of oral argument and testimony and many pages of briefs later, the judge ruled in early January 2002 to deny Schultz's motion,<sup>12</sup> holding that the *McClain* doctrine represents a valid legal doctrine, the Egyptian law is an ownership law and not an export control law, and it is sufficiently clear, at least as applied to the antiquities mentioned in the indictment, to satisfy constitutional concerns. The case went to trial soon after and in mid-February, Schultz was convicted.

The instructions that the judge gave to the jury are of particular interest. The government had the burden of proving, beyond a reasonable doubt, that Schultz intended to participate in the conspiracy and that he knew or believed that at least one of the objects was stolen from Egypt. Schultz claimed that the government had failed to prove that he knew or believed that he was engaging in theft. In response to this question of how the government could prove knowledge or

intent, the judge instructed the jury that

a defendant may not purposefully remain ignorant of either the facts or the law in order to escape the consequences of the law. Therefore, if you [the jury] find that the defendant, not by mere negligence or imprudence but as a matter of choice, consciously avoided learning what Egyptian law provided as to the ownership of Egyptian antiquities, you may [infer], if you wish, that he did so because he implicitly knew that there was a high probability that the law of Egypt invested ownership of these antiquities in the Egyptian government. You may treat such deliberate avoidance of positive knowledge as the equivalent of such knowledge, unless you find that the defendant actually believed that the antiquities were not the property of the Egyptian government.

Thus the judge's instruction concerning conscious avoidance would seem to include those who are aware of the law but profess ignorance, such as sophisticated dealers who choose to do business by entering into the market for antiquities from countries with national ownership laws, yet who claim not to be aware of the laws pertaining to undiscovered antiquities. Such individuals often disagree with these types of laws and do not believe that they should serve as the basis for legal action in the courts of the United States. The judge's instructions make clear that this does not equate to a lack of knowledge or awareness of such laws.

The two main arguments on which Schultz relied to attack the *McClain* doctrine in his motion to dismiss the indictment are also worth examining in some greater detail. His first argument was that the *McClain* doctrine allows U.S. courts to enforce foreign law and this is against U.S. public policy. The second point is that the *McClain* doctrine was preempted by the enactment of the Convention on Cultural Property Implementation Act (CPIA)<sup>13</sup> the law by which the United States implemented its ratification of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

Schultz's argument concerning the enforcement of foreign law is wrong for two reasons. First, the claim that the *McClain* doctrine represents the enforcement of foreign law is simply not correct. The law that is being enforced is the United States National Stolen Property Act. This law defines the crime of theft and the elements



that the government must establish for a successful prosecution, although local law, in this case Egyptian law, defines the nature of property ownership. The ability to define what constitutes 'property' and the ability to draw the boundaries between private and public (or national) property are inherent attributes of sovereignty. Therefore the United States recognizes Egypt's sovereign authority to enact legislation that defines all newly-discovered antiquities as belonging to the national government.

In responding to Schultz's argument concerning Egyptian law, the trial judge wrote:

As for defendant's second argument — to the effect that American law does not, or should not, recognize the kind of 'special' property interest created by 'patrimony' laws like [Egypt's] Law 117 . . . — it should first be noted that [the National Stolen Property Act], which expressly refers to foreign commerce, has consistently 'been applied to thefts in foreign countries and subsequent transportation into the United States': an implicit recognition of the interest of the United States in deterring its residents from dealing in the spoils of foreign thefts. In effectuating this policy, why should it make any difference that a foreign nation, in order to safeguard its precious cultural heritage, has chosen to assume ownership of those objects in its domain that have historical or archeological importance, rather than leaving them in private hands? If an American conspired to steal the Liberty Bell and sell it to a foreign collector of artifacts, there is no question he could be prosecuted under section 2315. *Mutatis mutandis*, the same is true when, as here alleged, a United States resident conspires to steal Egypt's antiquities.<sup>14</sup>

Second, the application of the *McClain* doctrine to stolen antiquities is not contrary to United States public policy. National ownership laws have been enacted by many countries, as early as the late nineteenth century. The United States itself passed the Antiquities Act in 1906, which vested ownership of antiquities found on public land in the national government.<sup>15</sup> Most foreign laws differ in that they apply to antiquities found on both public and private land, but this distinction is not one that is inherently contradictory to United States public policy. Regardless of the extent to which such laws may have been an expression of nineteenth-century nationalism, today these laws, often in tandem with export controls and other types of archaeological and historic pres-

ervation laws, are an important tool in the fight to preserve archaeological sites for future scientific excavation and exploration. It is clearly in the public interest of the United States to join other nations in combating the pillage of sites and stemming the flow of looted antiquities into this country.

The second argument used by Schultz to discredit the *McClain* doctrine focused on the effect of the enactment of the United States' Cultural Property Implementation Act (CPIA). The CPIA is the United States' domestic legislation that implements the 1970 UNESCO Convention, the primary international agreement for the protection of archaeological sites. The United States adopted only two sections of the UNESCO Convention — Article 7(b) that deals with stolen cultural property and Article 9, which calls on States Parties to join in a concerted effort to prevent the import of looted archaeological and ethnographic objects.

Article 7(b) requires nations to prohibit the import of stolen cultural property and the CPIA does so by empowering the United States Customs Service to seize such stolen cultural objects at the border. According to both Article 7(b) and the CPIA, 'stolen cultural property' is defined as stolen objects that had been inventoried as part of the collection of a museum, religious or other secular institution. Schultz attempted to argue that since this definition does not include newly-discovered antiquities (which obviously have not been inventoried), United States law should not regard such antiquities as stolen property.

The implementation of Article 9 represented a more significant departure from existing law because it provided a mechanism by which the United States would grant recognition to the export controls of other nations. The United States established a procedure by which other nations could request the United States to impose import controls on certain categories of archaeological and ethnographic objects. These controls require that for any such designated objects to enter the United States they must be accompanied by an export license or must have left the country of origin before the effective date of the import controls. While the CPIA's implementation of Article 9 was a significant step forward, particularly because the United States was the only significant market nation to join the UNESCO Convention at the time, the situation in the rest of the world has



since changed dramatically. In addition to the United States, several other market nations, including Italy, France, Australia and Canada, have all joined the UNESCO Convention and it is likely that the United Kingdom and Switzerland will soon do so.

Schultz argued that the CPIA is the complete embodiment of the United States' policy toward cultural heritage issues, at least on the international level. In other words, the only remedy available to a country that wishes cooperation from the United States is to seek a bilateral agreement recognizing the country's export controls under the CPIA. The judge quickly dismissed Schultz's preemption argument because the legislative history of the CPIA states that it does not preempt any other federal or state law or remedies. Furthermore, such an interpretation would mean that the United States' law enforcement would be limited to the narrow category of stolen cultural objects specified in Article 7(b) of the UNESCO Convention. Because the CPIA is only a civil Customs statute, other types of theft would go unpunished (including thefts from private collections) — a result that Congress would not have intended without explicitly so stating.

In June 2002 Schultz was sentenced to 33 months in prison, fined \$50,000, and ordered to return a relief still in his possession to the Egyptian government. Shortly after sentencing he filed his appeal with the Second Circuit. Because New York City is located within the jurisdiction of the Second Circuit, this appeal should determine whether the *McClain* doctrine will become the applicable law for the heart of the United States art and antiquities market. It is still too early to complete the story of the *Schultz* case — but it is clear that the *McClain* doctrine and questions of foreign ownership of undiscovered antiquities, both their practical effect and the public policies which they embody, will continue to play an important role in the courts of the United States and in the world-wide effort to protect archaeological sites.

## Notes

1. *R. v. Tokeley-Parry*, [1999] Crim. L.R. 578.
2. Steven Vincent, 'Fred Schultz found guilty', *Art & Auction*, May 2002, 20–24.
3. The National Stolen Property Act, 18 U.S.C. §2315, makes it a crime to 'receive[], possess[], . . . sell[], or dispose[] of any goods, wares, or merchandise . . . of the value of \$ 5,000 or more, . . . which have crossed a State or United States boundary after being stolen, unlawfully converted, or taken, knowing the same to

have been stolen, unlawfully converted, or taken . . . '.

4. Law 117 declared all antiquities to be public property and forbade their private ownership, possession, transfer and trade. The law does allow antiquities that were in private possession before the act's passage to remain so subject to various restrictions. The law defines an antiquity to be any movable object with 'archaeological or historical value or significance as a relic of one of the various civilizations that have been established in the land of Egypt . . . '.
5. 545 F.2d 988 (5<sup>th</sup> Cir. 1977); 593 F.2d (5<sup>th</sup> Cir. 1979). The defendants' first conviction was reversed because of questions as to exactly when the antiquities were taken from Mexico. The defendants' second conviction on the conspiracy charge was affirmed on appeal. The *McClain* cases were actually preceded by the conviction of a dealer for the theft of part of a Maya stele from Guatemala, *United States v. Hollinshead*, 495 F.2d 1154 (9<sup>th</sup> Cir. 1974). The United States is divided into twelve federal appellate court geographical regions (called circuits). The rulings in one particular appellate court are only binding on those federal trial courts located within the particular region. Thus, the Fifth Circuit's decision in *McClain* has only persuasive authority in other circuits. New York is located in the Second Circuit.
6. *Republic of Turkey v. Metropolitan Museum of Art*, 762 F. Supp. 44 (S.D.N.Y. 1990). See also Lawrence M. Kaye & Carla T. Main, The saga of the Lydian hoard antiquities: from Uşak to New York and back again and some related observations on the Law of Cultural Repatriation, in *Antiquities Trade or Betrayed: Legal, Ethical and Conservation Issues* 150 (Kathryn Walker Tubb ed., 1995).
7. *Turkey v. OKS Partners*, No. 89-3061-WJS, 1994 U.S. Dist. LEXIS 17032 (D. Mass. June 8, 1994). See also Anne E. Kornblut, In Settlement, Koch to Return Coins to Turkey, *Boston Globe*, March 5, 1991, A1.
8. *United States v. Pre-Columbian Artifacts*, 845 F. Supp. 544 (N.D. Ill. 1993).
9. 720 F. Supp. 810 (C.D. Cal. 1989), *aff'd sub nom.*, *Peru v. Wendt*, 933 F.2d 1013 (9<sup>th</sup> Cir. 1991).
10. *Lebanon v. Sotheby's*, 167 A.D.2d 142 (N.Y. App. Div. 1990); *Croatia v. Trustees of the Marquess of Northampton* 1987 Settlement, 203 A.D.2d 167 (1994), *appeal denied*, 84 N.Y.2d 805, 642 N.E.2d 325 (1994).
11. 991 F. Supp. 222 (S.D.N.Y. 1997), *aff'd*, 184 F.2d 131 (2<sup>nd</sup> Cir. 1999).
12. *United States v. Schultz*, 178 F. Supp. 2d 445 (S.D.N.Y. 2002).
13. 19 U.S.C. §§2601–13.
14. 178 F. Supp. at 448–9.
15. 16 U.S.C. §§431–3m. As applied to archaeological sites and objects, the Antiquities Act has been largely superseded by the Archaeological Resources Protection Act of 1979, 16 U.S.C. §§470aa–470mm.

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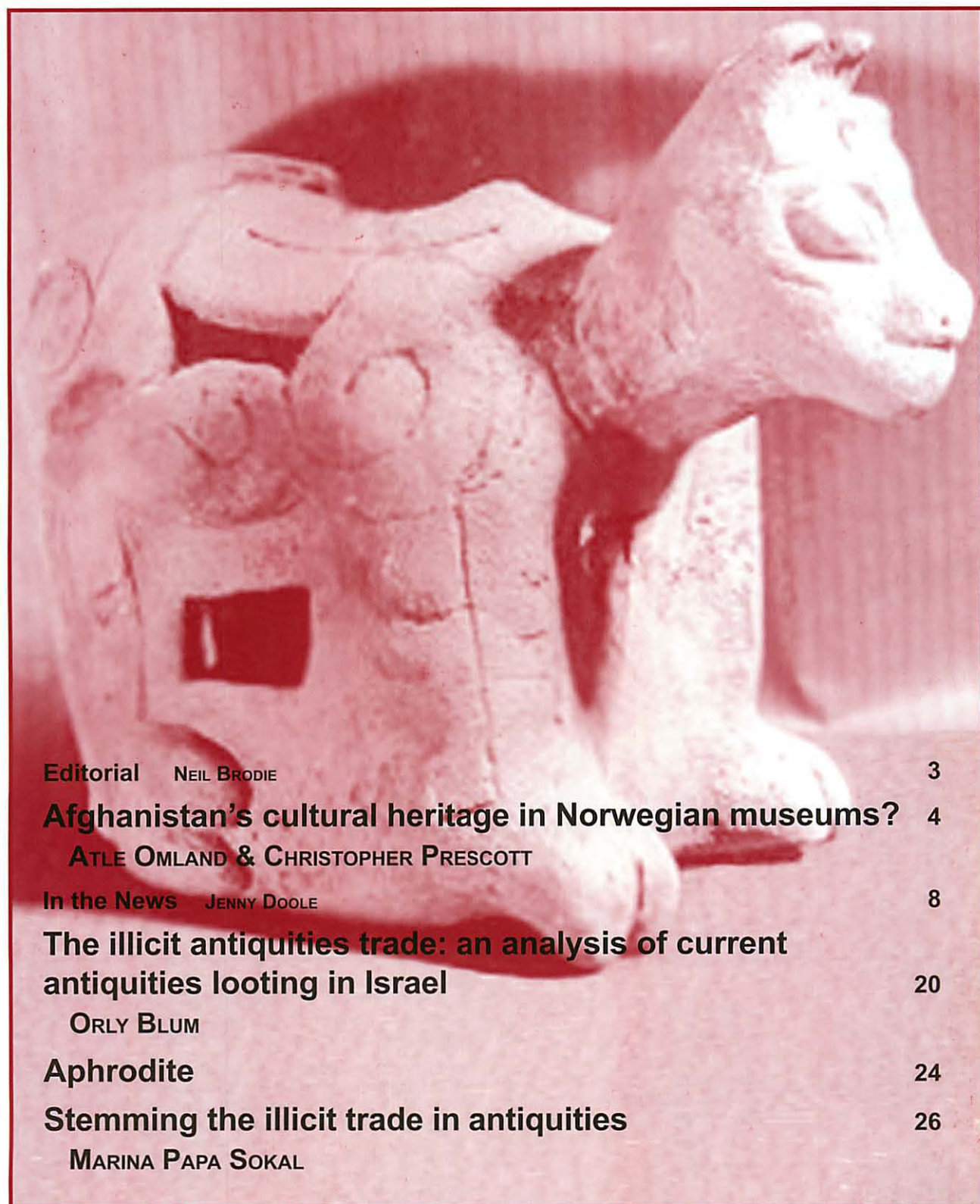


# Culture *Without* Context



The Newsletter of the Illicit Antiquities Research Centre

Issue 11, December 2002



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The Illicit Antiquities Research Centre is a project of the McDonald Institute for Archaeological Research.



## Illicit Antiquities Research Centre

The Illicit Antiquities Research Centre (IARC) was established in May 1996, under the auspices of the McDonald Institute for Archaeological Research in Cambridge, England, and it commenced operations in October 1997. Its purpose is to monitor and report upon the damage caused to cultural heritage by the international trade in illicit antiquities (i.e. antiquities which have been stolen or clandestinely excavated and illegally exported). The enormous increase in the volume of this trade over the past twenty years has caused the large-scale plundering of archaeological sites and museums around the world. The IARC will raise public awareness of the problems caused by this trade and seek appropriate national and international legislation, codes of conduct and other conventions to place restraint upon it.

*Culture Without Context* is published twice-yearly. The next issue will appear in spring 2003. Subscription details are available from:

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**Front cover.** Ceramic deer effigy stolen from Kolomoki Mounds State Historic Park Museum, Georgia (see p. 12).

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ISSN 1464-1925

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Correspondence relating to all aspects of the legal and illegal trade in antiquities is welcome; we will make an effort to print reasonable, non-libellous letters. No unsigned letters will be printed, but names will be withheld upon request.

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Printed by BluePrint, 6 Clifton Road, Cambridge, UK, CB1 7W6.  
Tel: +44 (0)1223 472400



## Editorial

On page 20 of this issue Orly Blum presents an analysis of antiquities looting in Israel and considers solutions from the perspective of supply and demand. It is clear, however, that the problem there is badly exacerbated by the deteriorating political situation, as it is in Iraq and Afghanistan, to name only two other countries. The UNESCO decision to back the non-commercial Swiss-based Afghan Museum in Exile provides a positive response to the cultural destruction that takes place in such war zones, and starting on page 4 Atle Omland and Christopher Prescott argue that the Schøyen collection of Buddhist manuscripts, currently in Norway, would find a welcome home there. There is clearly a need for similar institutions, and UNESCO might think to establish or support a non-commercial repository for the large numbers of inscribed clay tablets that are currently flooding the market and derived in all probability from Iraq since the end of the Gulf War.



Transparency is a concept that many antiquities dealers and collectors and some museums too seem to have a problem with, and now they have been joined by the British Government. On 7 October the Ministry of Defence (MoD) announced that it had reached agreement with the US company Odyssey Marine Exploration to 'conduct further archaeological exploration' of the wreck of the seventeenth-century warship HMS *Sussex* which is believed to have foundered off the coast of Gibraltar during a severe storm in 1694. The MoD was keen to emphasize that the project 'will be conducted under recognized and accepted methodologies', though no details were provided, and that the partnership will extend to the 'eventual conservation, publication, exhibition, marketing' of artefacts. One day earlier Odyssey had also announced the partnership, again highlighting 'the archaeological excavation and conservation of artifacts and cargo'. Both press releases also made low-key mention of the fact that the wreck might contain tons of gold coins.

The relevance of this latter point becomes clear when the text of the agreement (available

at [www.shipwreck.net](http://www.shipwreck.net)) is consulted. If what are euphemistically called 'artefacts' (surely gold coins) with a total monetary value of anything up to \$45 million are recovered then sale proceeds will be split 20:80 in Odyssey's favour; between \$45 million and \$500 million and the split will be 50:50; anything above \$500 million and it will be 60:40 to the Government. The expedition is in fact a treasure hunt, and the MoD is under no illusions about this, despite the meretricious terminology of their press release. 'The sea robbed us of our national wealth. For the best interests of the British taxpayers, I want to get it back' said departmental official Geoff Reakes when interviewed by the *Daily Telegraph* (Adam Luscher, *The Treasury's ship comes in*, *Daily Telegraph*, 13 October 2002). The MoD press release also states that the agreement is an important step 'in the development of a "partnering" approach to deep sea archaeology', which seems to imply that further treasure hunts are planned.

This agreement does not seem to be in contravention of any British law, although it is certainly against the spirit of legislation such as the 1996 Treasure Act and the Valletta Convention on Protection of the Archaeological Heritage which was ratified by the UK in 1999. Much will depend upon standards of excavation and recovery, although at the present time details are sketchy. In 1998, when the search for HMS *Sussex* first got underway, with the codename Cambridge, it was widely reported that the expedition was a collaborative enterprise between Odyssey and the Royal Naval Museum in Portsmouth. The Museum was involved at that stage to advise on best practice, but has now ceased to be an active partner, while continuing to advise the MoD. The Odyssey press release does mention an archaeological report that has been prepared, although no details have been released.

To clear up the confusion which surrounds the HMS *Sussex* project, it would help if the MoD would make public:

- What, if any, British public institutions were or are involved in the project;
- How much of the wreck is to be recovered and what methods will be used for its recovery;



- How it will be decided what 'artefacts' are to be sold, and who will handle the sale;
- What plans have been made for the future conservation, storage and display of material recovered from the Sussex (and not sold);
- Whether further treasure hunts are planned or in progress.

However, perhaps they are not in a position to do so. Article 12 of the agreement, entitled 'Confidentiality', states that 'The agreement contains a confidentiality clause governing the release of information concerning the Agreement and all documents relating to its execution'. So much for transparency.



It is a shame that the HMS Sussex agreement clouds what would otherwise be a good year for the British Government which in August finally signed up to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of

Ownership of Cultural Property, which came into effect on 1 November. Britain has been joined by Japan where the Convention will come into effect in December 2002, and also by Sweden where the decision to ratify was announced in October. Albania and Barbados acceded earlier this year, Switzerland looks set to join in 2003, with Denmark to follow. The Convention is obviously enjoying a new lease of life, not least perhaps because of its proactive implementation in the United States as the Convention on Cultural Property Implementation Act, which has demonstrated just how effective an instrument it may be when used judiciously but with force. Anyone who doubts its effectiveness should turn to page 16 of *In the News* where there are details of the newly created American Council for Cultural Policy which represents the interests of rich collectors and museums, and one of whose aims is to weaken the US implementation. It clearly has them worried.

## Afghanistan's cultural heritage in Norwegian museums?

ATLE OMLAND & CHRISTOPHER PRESCOTT

The demolition of the Bamiyan Buddhas in March 2001 caused outcries of disgust around the world, including Scandinavia. Yet, at the same time, collectors and museums continued to drain Afghanistan of its cultural heritage. This article examines a Norwegian case, the first-to seventh-century AD fragments of Buddhist manuscripts from Afghanistan presently owned by the Norwegian businessman Mr Martin Schøyen.

Cultural heritage originating in Afghanistan has for several years been removed from the country and sold into private and public collections — a dramatic example was the plundering of the National Museum in Kabul. Another more recent case is the collection of about 1400 fragments of Buddhist manuscripts purchased six to seven years ago by the private Schøyen Collection in Norway through the dealer Sam Fogg in London.

The initial coverage in the Norwegian press of the purchase by Martin Schøyen, as well as reports of his involvement in the 'rescue' of these manuscripts, was positive. This coverage, however, led to a more critical debate about the ownership by private or public institutions of Afghanistan's cultural heritage. The debate also unexpectedly exposed differing attitudes to the antiquities trade in general (e.g. *Aftenposten* January 17, 2002; *Dagens Naeringsliv* March 18, 2002; *Museumsnytt* 1 & 2, 2002; *The Times* June 22, 2002). This debate has become all the more urgent now that plans have been announced to sell the entire Schøyen Collection for an estimated £60 million. The announced sale has triggered a media campaign, featuring prominent members of the government and cultural bureaucracy, to persuade the Norwegian government to bid for the collection. The motivation for a government purchase is to keep the collection in Norway; for example, at an open seminar in March 2002 at the University of Oslo, the director of the University Museum of Cultural Heritage (University of Oslo) suggested that the Schøyen Collection, including the Afghanistan manuscripts, should be purchased by the Norwegian government and given to his museum.



The Afghanistan manuscripts are remnants of a Buddhist monastery library, most likely destroyed during the eighth-century Muslim invasion. The texts are written on palm-leaf, vellum and bark, and are described as 'The Dead Sea Scrolls of Buddhism'. They date from the first–seventh centuries AD. The events that preceded the arrival of the manuscripts in Norway are not clear. The initial press coverage in Norway suggested that Martin Schøyen himself orchestrated a rescue operation on behalf, or through, refugees or Buddhist monks. According to this version the manuscripts were brought out of Afghanistan to Pakistan in dramatic circumstances: on the back of a donkey through the Hindu Kush and under constant threat from the Taliban. Though this might be true, the story could simply be the portrayal of a smuggling operation in more flattering terms. Be that as it may, Schøyen acquired the manuscripts through several purchases and most questions concerning the legality of Schøyen's possession are now met by referring to a legitimate purchase in London from the manuscript dealer Sam Fogg. There is no reason to question the legality of these transactions, but important questions remain unanswered: How were the manuscripts procured in Afghanistan — who was the legitimate owner, what was the storage context there, and what damage was inflicted on the archaeological context in the course of and after the removal of the manuscripts? How were they smuggled out of the country and how did the manuscripts come to be sold in London?

If the Taliban threatened the manuscripts, and if Martin Schøyen and his partners actively saved the manuscripts from destruction without damaging cultural contexts of perhaps great long-term worth, then Schøyen deserves our gratitude. Schøyen certainly deserves credit for the way he has made his collection public. He has generously made his collection accessible for researchers, for example, through a group lead by Professor Jens Braarvig at the University of Oslo, who in 2000 edited a publication of several of the manuscripts (*Manuscripts in the Schøyen Collection. Buddhist Manuscripts*, vol. 1). Parts of the collection have also been made available to the general public through the web site of Norway's National Library (<http://www.nb.no/baser/schoyen/>). But

despite these praiseworthy actions, and setting initial concerns about the procurement aside (as well as the present conditions of storage), there are still grave issues concerning the ownership and custodianship of these and similar manuscripts. A pressing question concerns the management of items of cultural heritage exported from countries at war — and also countries submerged in civil war — where the combatants destroy monuments and collections as part of their policy of cultural domination.

We are certain that, in time, there will be internationally supported demands for the return of artefacts and texts smuggled out of Afghanistan during the Soviet occupation, the civil wars that followed and the Taliban regime. Similar situations have arisen previously in other countries, for example after the fall of the Khmer Rouge regime that had destroyed and plundered Cambodia's cultural heritage. Closer to home, in the wake of the press coverage of the Afghan manuscripts, the Egyptian ambassador to Norway has expressed concerns about the legality of the acquisition of Egyptian objects in the Schøyen Collection. She has therefore called on the Ministry of Culture to make inquiries into how Schøyen came by his Egyptian objects. In October 2002, however, the Norwegian government stated it could not make such an inquiry because the UNIDROIT Convention — that Norway became signatory to in 2002 — does not give retrospective force.

We find it all the more bizarre therefore that in the Norwegian media, people previously or presently responsible for prominent public national collections in Norway, as well as members of cabinet, only emphasize the positive aspects of a Norwegian purchase of the Schøyen Collection. They have generally avoided important issues that entail the return of the Buddhist manuscripts to Afghanistan when conditions permit and the government's responsibility not to unduly stimulate the illicit or semi-illicit trade in antiquities.

The Norwegian responses (until recently) are in contrast to internationally expressed concerns. For example, UNESCO and the Ministry of Information and Culture of Afghanistan organized in May 2002 an international seminar about the rehabilitation of Afghanistan's cultural heritage. At this seminar the participants urged



UNESCO to appeal to the international community, and particularly to those countries where Afghan cultural material is traded, to co-operate in the prevention of illicit traffic in these objects.

Several NGOs outside of Afghanistan also take care of objects that originate there and monitor the present condition of the Afghan cultural heritage. In 1994 The Society for the Preservation of Afghanistan's Cultural Heritage (SPACH) was founded in Pakistan. In the *Newsletter of the International Institute of Asian Studies* no. 23, 2000, a founding member of SPACH, Juliette van Krieken, describes the shock she experienced when she first heard of the Buddhist manuscripts in the Schøyen Collection. Her remarks serve as an introduction to an account of the destruction of Afghanistan's monuments and how objects from Afghanistan are ending up in western collections. SPACH is striving to prevent this by purchasing objects when possible, with the goal of repatriating them to Afghanistan. In several other articles, members of SPACH have provided information concerning the tragic circumstances of Afghanistan's cultural heritage, for example 'excavations' that entail the demolition of Buddhist monasteries with bulldozers to secure artefacts for the international market (see Nancy Dupree's articles in *Archaeology* 1996 & 1998).

Other organizations that work for the protection of the Afghan heritage include the Swiss-based Afghan Museum in Exile (that takes care of objects from Afghanistan with the aim of later returning them to Afghanistan), the Virtual Kabul Museum in Japan designed to present 'displaced' cultural property from Afghanistan and call for their return (<http://www.seenk.com/kabul-museum/>), and The International Committee for the Salvation of the Cultural Heritage of Afghanistan (ICSCHA) in California. In light of these international efforts to protect and restore the cultural heritage of Afghanistan, it is legitimate to raise questions concerning the last six to seven years' history of the Buddhist manuscripts now in the Schøyen Collection.

As widespread plundering is already a fact and valuable artefacts are in circulation, any line of action must represent a compromise between conflicting considerations. Organizations such as SPACH and the Afghan Museum in Exile have arrived at the conclusion that they must acquire

important cultural artefacts themselves to secure their return to Afghanistan. This is, of course, a difficult policy to pursue, as it could stimulate black-market trading and plundering in Afghanistan (and other places). Still, the International Council of Museums (ICOM) and UNESCO support this policy. In *The Times* (June 22, 2002) Colin Renfrew also suggested that the Schøyen manuscripts should be donated to the UNESCO-approved Afghan Museum in Exile.

In addition to the international efforts to save Afghan heritage and later restore smuggled objects, several international conventions are relevant in regard to the Schøyen Collection. The Hague Convention of 1954 protects cultural heritage during war, the UNESCO Convention of 1970 deals with illegal export, import and transfer of ownership of cultural objects, and the UNIDROIT Convention of 1995 regulates the international return of stolen or illegally exported cultural artefacts. Though Norway has ratified the Hague Convention and acceded to the UNIDROIT Convention this year (2002), the country has not been a staunch supporter of UNESCO's work to limit the international trade in cultural artefacts, despite its own restrictive national policies. Though the government acknowledges a need to demonstrate solidarity with countries exploited for their cultural heritage, national interests rank higher than arguments of solidarity. As yet, Norway has not ratified the UNESCO 1970 Convention, and the Afghanistan manuscripts presently in the Schøyen Collection are an example of how national interests will conflict with ratifying the UNESCO convention.

It is thus highly problematic when some researchers, directors and politicians call on the Norwegian government to buy the entire Schøyen Collection. A common argument voiced in the media is that the acquisition of the Schøyen Collection, including the Buddhist manuscripts, would enhance Norway's cultural prestige internationally. Some other arguments mustered to support a purchase are short-sighted, indeed ridiculous, for example:

- The Afghans are not interested and can't take care of their heritage.
- Several examples of repatriation demonstrate that corrupt third world governments place antiquities back on the black-market.



- There are more Buddhists in Norway than in Afghanistan and thus Norway has a more legitimate claim to the manuscripts than Afghanistan.
- States come and go and therefore their rights and responsibilities may be legitimately circumvented in the long run.
- All major nations have a history in the trade of cultural property, so why not Norway?

On a more serious level, Professor Jens Braarvig's observations in the *Newsletter for the Centre for Advanced Study* (no. 2, Oct. 2001, p. 4) are interesting: 'At the risk of not being absolutely politically correct, I dare to assert that in our day and age it is the European intellectual tradition that is most concerned about safeguarding ancient cultural treasures'. Braarvig has a point, but when he uses it to validate keeping Afghan manuscripts in Norway he subverts international efforts to deal with the inherent problems. He also underestimates the effect this tradition, and the political and ideological context from which it stems, has had on other regions, in this case Afghanistan. Braarvig's historical reflections are, in part, 'historically blind'.

Looking beyond the ethical and political dimensions of a Norwegian purchase of the collection, there are numerous international guidelines that come into play, even though Norway has not ratified the UNESCO 1970 Convention. Museums and collections that are members of ICOM are bound to strict ethical guidelines concerning the acquisition of cultural objects. Such objects must have a valid, documented provenance. In a war situation — as in Afghanistan — such provenance is usually at best unclear. However, the circumstances surrounding all objects acquired from Afghanistan during the last six to seven years and now circulating in the private market should be subject to close scrutiny. Any government purchase or permits to allow re-export and private sale must thus be subsequent to rigorous legal, ethical and cultural considerations.

It is unquestionably fortunate that the Buddhist manuscripts from Afghanistan still exist and are made accessible for researchers and the general public. If the Buddhist manuscripts were actually salvaged from Taliban destruction, and if other valuable monuments and archaeological contexts were not destroyed in the process, the people responsible for their rescue deserve our

gratitude. Given the circumstances in Afghanistan, it might also be fortunate that the manuscripts are in Norway for the time being. Still, the fundamental position taken by UNESCO, NGOs that work to protect the Afghan cultural heritage, and by various international conventions, is that such objects should be returned to Afghanistan, and this should guide future actions. When Afghan authorities are in a position to manage the country's cultural heritage, any institutions or private collectors (be it Martin Schøyen or the Norwegian government) who then own the Buddhist manuscripts will be morally obliged to return them to Afghanistan. Whether the establishment of acceptable conditions in Afghanistan takes a year or a hundred years is immaterial.

Norwegian history up to independence in 1905, and the relatively young Norwegian state's efforts and strict legislation to secure the nation's cultural heritage as part of a strategy to build a national identity, should render Norwegians particularly sympathetic to Afghanistan's plight. As the director of the National Archives in Norway, John Herstad (*Museumsnytt* 2, 2002), has suggested, one would hope that the same generosity and decency that was shown the young Norwegian state in similar matters 100 years ago will be awarded to an Afghanistan hopefully emerging from the series of tragedies which started with the Soviet occupation.

Returning the manuscripts should thus be the fundamental guideline for the Norwegian government if they choose to buy the collection. In light of the risk of further stimulating trade in antiquities, and the plundering that supports such trade, it would be preferable if Martin Schøyen followed Lord Renfrew's appeal in *The Times* (June 22, 2002): the only decent thing to do is to give his collection to the UNESCO-approved museum in Switzerland so that it can be returned when order is fully restored.

Links to various sources of information concerning this case can be found on <http://folk.uio.no/atleom/manuscripts.htm>.

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## In the News

JENNY DOOLE

### Egyptian action

- In May, Egyptian authorities recovered a **statue of Amenhotep III** from a collector in **The Hague, Netherlands**. The piece was one of **55 stolen from a Luxor temple store-room** in 1987 and was identified to Dutch police with the help of the Art Loss Register. It is now in the Egyptian Museum, Cairo and will be displayed in December. Egyptian authorities are chasing **another piece** from the raid, which is **now in Switzerland**.

- **June: Egyptian customs** officers intercepted **34 boxes** containing 424 Pharaonic, Islamic, Roman and Greek antiquities mixed with modern replicas in an airport storage area. The shipment was **destined for Madrid, Spain**.

- In June, following notification from US Customs officials, **Christie's New York** withdrew from sale a **piece of granite relief**, 15 inches high and depicting Pharaoh Nectanebo II (sale estimate \$7000–9000). French Egyptologist, Christine Favard Meeks recognized it from a wall at Behbeit el-Hagar temple in the Nile Delta and informed the Egyptian Ministry of Culture. The fragment had been **stolen about 12 years** ago. Meeks, who has documented the temple since 1977 says that in 1993 it was intact, but there has been systematic looting since then. She claims to have recognized three other pieces from the temple which have passed through major auctions.

A **fragment of relief** depicting the Nile god Hapi, also from Behbeit el-Hagar and legally **recorded as stolen** in Egypt since 1990, was recognized recently in the collection of the **Virginia Museum of Fine Arts**. The sculpture has been in the USA at least since 1944 and was acquired by VMFA in 1963. Egypt has demanded its return, threatening a law suit.

- **Dr Zahi Hawass**, new head of the Supreme Council of Antiquities (SCA), Egypt, has been publicizing plans to take the fight against tomb robbing and smuggling to new levels (*Business Today*, September 2002):
  - On taking up his appointment he wrote to **every museum and university** in the world stating the **SCA will never co-operate** with anyone who buys stolen artefacts.
  - **Two archaeologists** (one American, one British) involved in the legal defence of Frederick Schultz on charges of conspiring to receive stolen Egyptian antiquities (see In The News, *CWC*, issues 9 & 10), have been **permanently banned** from working in Egypt.
  - A special **investigative team** has been formed to **identify illicit Egyptian antiquities** in museum collections, auction catalogues and sales on the Internet.
  - A sweep of **private dealers' Egyptian storerooms** resulted in the seizure of objects discovered since 1983 (when laws were passed making new finds government property).
  - Hawass emphasizes that, whereas in years past Egypt's attitude toward the expensive process of recovering stolen cultural heritage could be dismissed as 'just media talk', **now they are taking action**.
  - The **SCA is working to improve site and museum security** systems and preparing complete documentation of items in storage, museums and tombs.
  - A travelling exhibition ***Quest for Immortality: Treasure of Ancient Egypt*** is **touring the USA** to raise an estimated \$13 million for the campaign and other preservation work.
  - A system which would allow **foreign museums to 'lease'** ancient artefacts for display, possibly under better conditions than are presently available in Egypt, is being investigated. It has been suggested that schemes like this, which allow museums in market countries legitimately to display fresh, high-quality Egyptian an-



tiquities, **may also reduce black market demand.**

- *July:* Egyptian officials went to Washington DC to collect 2 **Roman mummy masks** which had been confiscated by US police from the home of an **arms dealer in Florida.**
- *July:* An Egyptian delegation will be sent to Heathrow Airport to examine more than **2000 Egyptian antiquities** found in the possession of an Egyptian resident in London who claimed he had inherited them from his father in 1955.



## Explosion in Philippines

Filipino police said that a man injured when a stick of **dynamite exploded** in his Manila hotel room in May **claimed to be a treasure hunter.** Michael Meiring of California showed police several documents, including maps of shipwrecks. His secretary, however, claimed Meiring was a cancer specialist planning to create a clinic for poverty-stricken cancer patients.



## Cambodian up-date

- Officials from the newly-rebuilt National Museum in Phnom Penh, Cambodia, argue that one of Cambodia's most effective weapons against theft of cultural property is the **Cambodian people's sincere respect** for their cultural heritage. It is estimated that **50–100 people a year now take chance finds to the museum,** which curators suggest is extraordinary given how poor most of the finders are and the potentially large amounts of money to be made were the items sold to illicit traders.
- A statue of a **ninth-century male divinity,**

voluntarily returned to Cambodia by a private collector from Washington DC, has been revealed on expert examination to be an **elaborate forgery.**

- In April **The Honolulu Academy of Arts** returned to Cambodia **two ancient sculptures** (a ninth-century, 15-inch-high stone head of Shiva, and a twelfth-century, 19-inch-high head of a demon) stolen from the temple of Angkor Wat in the 1970s and subsequently donated to the institution. The pieces were identified following the 1996 publication *Looting in Angkor* by ICOM (International Council of Museums).



## Greek illicit antiquities

- Interpol reports that of 141 art-theft cases reported in Greece in 1999, **27 were from archaeological sites** although real figures are difficult to gauge since thefts often remain undiscovered until material appears on the official art market.
- The Greek anti-Antiquities Smuggling squad announced that from **1999–2001 they recorded 101 law violations,** involving 142 Greek nationals and 8 foreigners. 2014 archaeological artefacts, 157 Byzantine icons and 3367 coins were logged.
- Cases of **antiquities smuggling,** having risen only slightly in the 1990s, have **increased considerably in the last 3 years** because of a building boom and intensified police action.
- *Kathimerini* (10 October 2002) reports that there are no more than **65 legally-designated collectors** in the whole of Greece, compared to another **800 antiquities owners.** According to Greek law owners are people who have inherited certain objects, but are not permitted to acquire more. Licensed collectors on the other hand own



collections whose intrinsic interest has been recorded. They are entitled to add to their collections and are under **no obligation to reveal the source of their purchases**.

- In June the Greek Paliament passed a **new antiquities law** according to which anyone possessing objects dating prior to 1453 must **declare them to authorities** within 12 months of the law's publication and may then be permitted to keep them.
- In April, Athanassios Frangos, a municipal employee from Evia, Greece was **arrested** trying to sell **two Hellenistic statues** and a fifth-century BC golden figure of a goat. 45 coins were also seized.
- *August:* **Three jewellers** in the Plaka area of Athens and one from the south of the city, were arrested and **charged with illegal possession and sale** of antiquities when 74 pieces of jewellery incorporating ancient coins were discovered in their shops. 417 small-denomination ancient copper coins from Macedonia were later found by police in a jewellery workshop.



## Crisis in Ukraine

- Professor Vikto Myts, of the Crimean Institute for Archaeology in Simferopol says that **criminal gangs** can actually be seen watching and waiting for excavation teams to pack up for the night before they **move in to strip sites** of valuable Greek, Roman, Byzantine and Bronze Age artefacts.
- In a parallel development Ukraine's powerful **mafia now employ archaeologists** to work directly for them, illegally excavating sites with the aid of mechanical diggers, floodlights and armed guards to ward off police, other gangs and concerned academics.
- **Half a square-mile** of the Hellenic city of

**Olvia** was recently **looted out** by thieves.

- In most cases, the few **tomb robbers** who reach the courts receive **only a suspended sentence**.
- Prized artefacts — gold, statuettes, decorated pottery and Hellenic period vases — are snapped up at the **Sevastopol flea market** for immediate **transfer to Moscow** where they will fetch bigger sums and then be smuggled abroad.
- Philippe Coumarianos (*Kathimerini*, 16 August 2002) describes an outing with Volodya, **leader of a gang of tomb robbers** in the Ukraine, who work on commission from wealthy dealers. During the night:
  - **A stone slab**, 3 metres underground, is **shattered** with a steel bar to allow access to an ancient tomb.
  - The **remains of the woman** buried within are **raked over** to recover a few pieces of bronze artefacts, some paste-glass beads, and some red terracotta jars.
  - Volodya reveals that during **previous nights** the team have looted 12 burial sites only to recover a quantity of **clay pottery not worth much** on the black market.



## Irish metal detecting

In August **Anthony Molloy and his son Kevin** pleaded guilty to charges of **illegal possession of archaeological objects** found in Ireland. Judge Michael Reilly, of Birr District Court heard that Molloy used his retirement present, a metal detector, to help him **raid sites in north Tipperary** and pointed out that as he had been employed by the national heritage service as wildlife ranger he knew where archaeological sites were located. **Nearly 800 artefacts**, including two Bronze Age daggers, an Iron Age pin, bronze sword handle and hundreds of perfectly preserved coins, were found at the defendant's home by officers from



the Art and Antiques Unit of the National Bureau of Criminal Investigations and handed over to the National Museum. Irish law, updated in the 1990s to counter wide-spread illegal treasure hunting, requires that finders must notify authorities of finds within 96 hours or risk fines and prison time.



## Princeton return

A fragment of the **pediment from a Roman funerary monument**, with a Latin inscription and high-relief bust of a deceased man named Aptonetus, bought by the **Princeton University Art Museum (PUAM)** in 1985, but subsequently discovered to have been **illegally exported**, was voluntarily **returned to Italy**. During the course of his research, museum curator Michael Padgett came across references to the same piece, indicating that it had been found during agricultural land clearing in Colle Tasso, near Tibur in 1981–82 and fully documented. Italian archaeologists and police then carried out their own investigations and also reached the conclusion in March 2002 that the object had indeed moved out of Italy without an export permit. PUAM has applied to Italy for a **long-term loan** in order to continue display and study of the artefact. No action is expected to be taken against the New York dealer who, the museum believes, acted in good faith.



## The Queen's head

A **Benin bronze** head in the collection of **Queen Elizabeth II**, previously believed to be a modern replica, was identified as an **original which had been illegally brought out of Nigeria** when it went on public display for the first time this summer. The bronze had been illegally **removed from the National Museum** in Lagos in 1973 by president **General Yakubu Gowon** and presented to the

Queen as a present during a State visit. The General had apparently been disappointed with a replica head he had commissioned and so decided to choose a genuine antiquity from the National collection. According to *The Art Newspaper* (September 2002) then Director of Antiquities, Dr Ekpo Eyo, was **horrified by the legal and ethical implications** of a head of state raiding the National Museum.



## Laws and Conventions

- **Japan has ratified the 1970 UNESCO Convention** and it will enter into force there on 9 December 2002.
- Belgian senator François Roelants du Vivier has introduced a **bill to the Belgian Parliament** to amend Belgian judiciary Code with regard to receipt of stolen goods, which he considers weak compared to that of neighbouring countries. He also emphasized that the country's **failure to ratify the 1970 UNESCO Convention** harms Belgium's international image, while Parliament has not yet even addressed the question of the 1995 UNIDROIT Convention.
- In April, a draft law was circulated at the **National People's Congress (NPC) of China** proposing that **private trading in antiquities be legalized** (at present only State-owned shops and auction house are permitted to sell art and antiques and foreigners are prohibited from buying antiquities more than 200 years old). The NPC's legal committee commented that there are 160 auction houses in China adding that many **sell fakes and 'encourage tomb robbing'** (the *Art Newspaper* September 2002). The draft law would also tighten government control by defining types of art that cannot be traded, requiring 'certification' by central authorities of any art traders, and offering the State first refusal on any object.



- **October: Sweden's Culture Minister** Maria Ulvskog announced that the country had **decided to sign the 1970 UNESCO Convention**.
- **UNESCO's Director General**, Koïchiro Matsuura, congratulating Japan on its recent ratification of the 1970 UNESCO Convention and emphasizing the **importance of market countries becoming party** to the convention, called for universal ratification.



## US concerns

- Summer fires in the **Sespe Wilderness area** of the Los Padres National Forest, California have caused archaeologists, park rangers and law enforcement officials to step up patrols and education programs **warning campers and hikers against looting**. Looters see such fires as a great opportunity, since archaeological artefacts like ancient stone tools, arrowheads and pottery, usually hidden by vegetation, surface in the ash. A **task force** of federal, state and local law enforcement officials looked into **new strategies for catching looters**, including possible installation of sensors at certain sites.



*Ceramic deer effigy (University of Georgia).*



*Caddo pot (University of Georgia).*

- Archaeologists in Texas say that **plundering of Native American graves** for Caddo pottery (which can realize thousands of dollars per piece on the market) has reached frenzied proportions in the past two decades. Following a recent visit to **two Caddo cemeteries** it was noted that there were **acres of open grave pits** as far as the eye could see, with at least 250 burials looted. Every known Caddo cemetery around Lake O'The Pines has now been looted and Cam Joy Mound, completely intact in 1989, has a 3-metre-wide looter's trench through its centre. A Texas historic preservation officer reports that one looter of Caddo graves boasts that he sent his kids to college with the money raised selling finds, but only one documented case of prosecution is known.

**21 Caddo pots** stolen from the Texas Archeological Research Laboratory **remain missing** despite the offer of a \$10,000 reward (see In The News, *CWC*, issue 9).

- Officials of the **Kolomoki Mounds State Historic Park**, Georgia, have launched a WWW site to further publicize details of **archaeological artefacts stolen from their museum** during a night time raid in march 1974. 129 items — everything that was on display — were stolen, including impressive clay vessels and figurines, but only a



handful have since been recovered: 12 in 1978 from the home of an unwitting private collector in Miami, Florida (bought from a Tallahassee dealer); 1 in 1979 from artefact sale in Pennsylvania; and 2 in 1996, which were identified from photographs and recovered from a St Petersburg collector whose mother had bought them, still with museum numbers intact, from a flea market at Gulfport. Art collectors and museums, in particular, are being asked to check the WWW site to see if they can shed any light on the whereabouts of the bulk of the material. For further information see <http://www.georgiaplanning.com/history/kolomoki/>.

- *The Christian Science Monitor* (20 June 2002), reporting on widespread **archaeological looting in New Mexico, USA**, argues that the US government is taking an **increasingly diligent and tough line** against pot hunters, and that members of the public are better informed and more **willing to report** suspicious activity. They recount a court case settled in August 2001, now on appeal, in which two brothers were charged and convicted of stealing Mimbres painted pottery from Gila National Forest. They were caught, when they returned to a site in a remote area of the forest, by US Forest officials who staked-out the site after a walker reported freshly dug holes.

## Iranian antiquities

- An **Achaemenid gold tablet** stolen from Iran's National Museum is **still missing**. The tablet, discovered during an American archaeological expedition to Persepolis in 1933, disappeared along with a silver tablet (since recovered) in confused circumstances — it was transferred to the Museum following the 1979 revolution, yet never registered. A man was arrested, tried and jailed in connection with the theft.

- A report in *The International Herald Tribune/The Asahi Shimbun* (May), in which a museum official was quoted as saying that parts of 19 Buddhist statues were discovered in ruins in Fars Province, Iran (raising the possibility that Buddhism existed west of Afghanistan much earlier than had been believed), has caused controversy. A representative of the Cultural Heritage Department of Tehran, having reviewed records from the Iranian National Archaeological Museum, said the **statues were in fact smuggled from Afghanistan** before the 1979 Islamic revolution and had been in storage since because of a religious ban on idolatry. The **smugglers had been arrested** and the statues taken to a museum in Shiraz and then to the Iranian National Archaeological Museum in Tehran.

## British Museum theft

A small ancient Greek **marble head**, with a distinctively damaged nose and face and an estimated value of £25,000, was **stolen from the Greek Archaic Gallery of the British Museum** on 30 July 2002. The gallery was unguarded due to staff shortages. New director, Neil MacGregor, announced that his first priority will be an energetic review of every aspect of security.

## Nepalese Buddha in Austria

An ancient **Dipankar Buddha**, stolen from Nag Bahal, Patan, Nepal early in 2002, **turned up for sale** at established, Cologne-based, **Gallery Peter Hardt** in May. It was recognized by museum curator Christian Schicklgruber when offered for sale to the Ethnographic Museum in Vienna for \$180,000. Schicklgruber worked quickly with contacts at the University of Vienna and the Nagarjuna Institute in Kathmandu to





identify the piece and convince the Austrian public prosecutor to seize it as suspected stolen property. Austrian and German police are working with Nepalese authorities to begin legal proceedings to force the dealer to reveal how he obtained the piece and attempt to secure its return to Nepal, although under Austrian law this may prove difficult as it may have been bought in good faith. According to *Nepal News*, Gallery Peter Hardt, which had printed a picture of the Dipankar in its catalogue, removed all images of Nepalese artefacts from its WWW site and reportedly said: 'I'd rather not take this matter to Kathmandu, it will stir a hornet's nest.' *The Kathmandu Post* (8 June 2002) quotes an anonymous writer, in a letter addressed to a Buddhist scholar, as saying that the figure was '**exported "legally" with all the seals from the National Archives**' though Nepalese law forbids export of any cultural objects over 100 years old. **Two other Buddha figures** have been stolen from guthis in Patan in recent years, but not yet surfaced.

## Indian arrests

*June:* Acting on a tip-off, **police in Jhabua, India arrested three people**, Gurudayal Singh, Pritam Singh and Nanak Singh in possession of four statues stolen from the Jain temple of Bangh in nearby Dhar district on 9 March 2002. One of the idols, made of 'ashtadhatu' and weighing 1.15 kg is believed to be 700 years old, and **archaeologists have been called** in to ascertain its historical importance.



## Iraqi salvage

- **Robert K. Englund**, principal investigator on the Cuneiform Digital Library Initiative at the University of Los Angeles, says that **many of the cuneiform-inscribed objects** currently flooding the market, especially Internet auctions where they often sell for less than \$10, **are probably authentic**. He believes much of the material is the result of **illicit excavations since 1990**. The project aims to capture digital images of these potentially important objects, sometimes directly from Internet pages, before they disappear into private collections.
- *August:* **1000 archaeological artefacts**, including gold jewellery, pottery, coins and statues, looted during the Gulf War, were **returned to Iraq** via Interpol from Jordan, Saudi Arabia and Britain.
- **Two pieces of stone relief** stolen from Iraq, which surfaced in antiquities shops in London, were **returned in May, via the Iraqi Interests Section**. One, stolen from the Northern city of Hatra, showed the face of a young woman with four snakes around her neck, the other had been taken from the palace of Assyrian King Sennacherib at Nineveh.





## Afghanistan issues

- In May **two Afghan men** were intercepted by Pakistani police at border barricades with **38 illicit antiquities**. The pieces, mostly belonging to the Mehrgarh culture of Baluchistan, were wrapped in newspaper and hidden in cavities in the men's car. They were to be delivered to a **middleman in Rawalpindi** for onward smuggling abroad.
- Afghanistan's Director of Archaeology Abdul Wasay Ferozi said the **recent arrests of several smugglers** have done **little to curb widespread looting** since the fall of the harsh Taliban regime. He adds that prominent **regional warlords are part of the problem**: in the western district of Paghman alone some five areas have been illegally dug by commanders with trucks, equipment and guns.
- Afghanistan's Interior Department told CNN (7 August 2002) that **twelve Pakistanis and Arabs killed** during a gun battle near a military base near Kabul, were not al-Qaeda operatives as the Defence Department claimed but were in fact **would-be looters** planning to steal ancient sculptures from a nearby hill. An Interior Department official claimed two guards were also killed in the incident.
- Rory Stewart, reporting on his journey across Afghanistan for the *New York Times* magazine (25 August 2002) describes his meetings with **local warlords** plundering ancient ruins for objects to sell.
  - One, now director of a society funded by foreigners and set up to protect the early Islamic tower of Jam, explained how he had **dug up quite a lot of antiquities** from all over the area and sold them to dealers from Herat.
  - Stewart witnessed the **rapid and widespread pillage of the site**, with villagers tunnelling trenches up to 10 feet deep everywhere, and destroying all trace of the previously unknown ancient city in the

process.

- Artefacts are apparently in demand from **dealers and collectors in Japan, Britain and the USA** (where they are described as Seljuk or Persian to obscure their Afghan origin) with reports of American servicemen buying directly from villagers.
- Looters say that there are **charred roof beams** in most of the ancient buildings, leading Stewart to surmise they may have discovered and now largely destroyed the **city of the Turquoise Mountain**, burned by Genghis Khan.
- Prices paid by dealers range from \$1–2 for a twelfth-century ewer, or rather more for carved wooden doors or ivory chess pieces.
- Gul Agha Karimi, Chairman for the Society for the Protection of the Minaret of Jam (now a World Heritage Site), said the looting is a disaster and has come about since the breakdown of law and order following the fall of the Taliban. He believes that the **area is too dangerous for archaeologists**, even with security guards, and the United Nations do not have contacts with the local knowledge necessary to deal with such a situation.
- En-route from **Jam to Kabul**, in almost every village **locals were ransacking ancient graves** for identical, highly stylized female heads.



## Pakistan issues

- Archaeologist Zainul Wahab has expressed concern at the number of **looters damaging sites in NWFP** (North West Frontier Province), Pakistan. He fears that illegal excavation of thousands of Gandharan, Greek-Bactrian, Hindu Shahi and early Muslim period sites, particularly by criminals searching for **coins up to six feet below surface levels** with the aid of **sophisticated metal-detecting equipment**, is irreparably



damaging archaeology and knowledge of history of the area. He added that **millions of such coins** from diverse periods are appearing on both local and international markets.

- Looting of the **Kashmir Smast cave**, in the Babozai mountains, Mardan district, Pakistan has been **going on for a year**, with looters reportedly removing rare Gandharan antiquities including a bronze Bodhisatwa statue (possibly sold to a foreign dealer for Rs 2.8, according to *Dawn* 29 May 2002) and White Huns coins, **even in the presence of officials**.



## Sudanese mummy

**Two antiquities smugglers in Sudan** were arrested, in an undercover police operation, trying to sell the country's first **fully-preserved mummy** for \$586,000. Police had been staking out the men since their arrival in Khartoum to find buyers for the mummy, which they had discovered in its grave at the royal cemetery of Napata. Siddeek Mohammed Gism al-Seed of the Sudanese Museum said the mummified body, fantastically well-preserved owing to extremely skilled mummification and burial in desiccating desert sands, was a member of the family of Pharaoh Taharka of the Cush Dynasty.



## US collectors' support group

**Ashton Hawkins**, formerly executive vice-president and Counsel to the Trustees of the Metropolitan Museum of Art, New York, has created a **support group of American collectors and at least five institutions** who believe their collecting **practices to be threatened** and see themselves under siege from over-zealous law enforcement and public debate they perceive to be dominated by

archaeologists' concerns.

- The 'American Council for Cultural Policy' is operating from the midtown offices of law firm **Gersten, Savage & Kaplowitz** where Ashton is now employed.
- *The Art Newspaper* (November 2002) reports that the **first meeting of the 45-person Board of Advisors on 9 October 2002** (held in the Fifth Avenue home of Uzbek textile collector Guido Goldman) was attended by Shelby White, former Getty curator Arthur Houghton (a vice-president), former Kimbell Art Museum director Edmund Pillsbury and legal scholar Professor John Merryman.
- The group's stated aims are to **lobby for revision of the Cultural Property Implementation Act** and how it is applied (see In The News, *CWC*, 7 & 8), and discourage use of the 1977 *US v McClain* decision which upheld the use of the National Stolen Property act in relation to foreign stolen material and was cited as a precedent in the recent trial of dealer Frederick Schultz (see In The News, *CWC* issues 9 & 10). The Council is **supporting Schultz's appeal** against his recent conviction.
- The Council sees the **US Customs Service as a problem**, arguing that they form part of an over-reaching and political law enforcement. Many collectors believe Customs has become tougher on antiquities collectors in return for closer Italian co-operation on illegal drugs control.
- In the long term the Council hopes to publish a **guide for collectors** called Collecting Cultural Property: Principles, Positions and Guidelines describing legal case studies, legislation and government directives.
- The Council argues that **legitimate dispersal** of material through the market is one of the **best ways to protect cultural heritage**.
- The group says the **State Department is beginning to listen to them**.
- The Council wants to **encourage the**



**Association of Art Museums** to take a more focused position in response to curbs on importation of Italian cultural material, which they see as a direct threat. Hawkins further argues for a scheme (first suggested by the Metropolitan Museum in 1975) which would have the **Egyptian Museum, Cairo offer museums around the world** up to 50 objects from Egyptian collections in return for **'very substantial' contributions** (perhaps \$1 million) towards the construction of a new museum under the Giza plateau.

## Local action in Sri Lanka

Villagers in the **Sri Lankan town of Balangoda** grabbed **20 suspected treasure hunters** digging for artefacts at a local archaeological site and tied them to trees while they called the authorities. It is not known whether the group, which included a **senior policeman**, will be charged.

## Looting in the United Kingdom

- **Yeavinger Bell**, one of the UK's most important Iron Age hill forts has been **seriously damaged by illegal metal detectorists**, who have dug at least 34 holes into a secluded part of the site, since a public access agreement was negotiated by Northumberland National Park. Archaeologist Dr Rob Young, and landowner Lord Anthony Hill expressed concerns that looting had never occurred in the National Park on such a scale before and potentially brings the large numbers of responsible **metal detectorists into disrepute**, while **damaging relations with landowners**. Under British Law illegal digging on a scheduled ancient monument carries a penalty of two years' jail or an unlimited fine.
- Archaeologists in the north of England fear

**more than 150 Roman objects**, including coins, glassware, jewellery, shoulder plates and a Viking bone comb, may have been **stolen from six boxes in a Carlisle council storage building** and sold via the Internet. Archaeologists said some of the items were extremely rare. The matter is currently **under police investigation**, and some of the artefacts have been recovered from various research offices. The items were found on the site of the Millennium Gallery by the Roman fort of Luguwallium near Hadrian's wall.

- **UK police seized a collection of Roman gold coins and jewellery** when they raided the home of fork-lift truck driver Robert Duquemin of Highworth, near Swindon, Wiltshire. The objects may have been looted from the important Roman town of Cunetio, Mildenhall near Marlborough, which has been subject to **illegal metal detecting**, and scientific tests are now being carried out on soil from the site and Duquemin's home. Duquemin's partner claimed 'he is a keen amateur archaeologist and all his stuff is legal' (*Mail on Sunday*, 10 November 2002).

## British court decision

A British court ruled on 16 October 2002 that a 200 BC **bronze statue of Dionysos** should be **returned via diplomatic courier to Turkey**. Originally **confiscated from a bonded warehouse in Switzerland**, the statue was sent to Britain where it was stored free of charge by the British Museum while it was the subject of complicated legal proceedings. It was listed as an asset of **Turk Nevzat Tellioglu**, who was subject of an Order of the High Court of Justice made under the **Drug Trafficking Act**. Sara Dayman of BDO Stoy Hayward was appointed Receiver and claimed the statue while the company looked into its true ownership history. The Receivers advertised in several publications for claimants and



took advice from experts (who could not say conclusively that the statue came from Turkey as opposed to elsewhere in the Roman Empire). When the Turkish authorities were unable to substantiate their claim a Request for legal Assistance was issued, but still contested by the Receivers. Eventually the High Court of Justice accepted evidence put forward that the statue had been purchased in Turkey, illegally exported and therefore remained Turkish property.

## Chinese return

A **stone Buddha**, one of four from a four-gate tower in **Shentong Temple**, Licheng, Shandong Province, China, will be **returned to the temple from Taiwan**. The sculpture was stolen from the site (which was designated as a protected monument by the Chinese government in 1963) in 1997, smuggled off the mainland and purchased by a collector in Taiwan who donated it to the Dharma Drum Mountain Cultural and Educational Foundation in 2002. They investigated and established its authenticity and decided it belonged in its true setting. The Straits Exchange Foundation will handle the return.

## Mexican recovery

*October:* A **pre-Columbian figurine** reported as missing from an archaeological site in Mexico since July, has been **found in an Internet auction**. The ceramic statuette, described in the Yahoo sale as of 'orange clay', was from **El Tajin, Veracruz** state and has been returned to the National Anthropology and History Institute. Mariano Orturo Campos of Mexico City was **arrested on charges of illegally selling the object**.

## Tales from Italy

- A **smuggling ring** operating from the **southern Italian port of Bari** has been discovered by Italian police who have **charged 16 people**, including shopkeepers who allegedly sold illicit antiquities. With **branches in five regions** of both north and south Italy, the ring dealt in religious art treasures and illegally excavated archaeological material, some of which came from sites near **Taranto in Puglia**.
- Rory Carroll, writing in *The Guardian* (4 May 2002) interviewed 66-year old Italian **tombarolo Antonio**, who began illegal digging in his 20s and uses the money to supplement his income as a house decorator. It emerged that:
  - Antonio estimates he has **destroyed more than 2200 tombs** over the years.
  - That he **prefers Etruscan tombs** which are shallower than Roman, so apparently easier to ransack.
  - That he believes **modern tomb robbers have 'no patience, no finesse'** and destroy much material when they open a tomb.

## Israeli arrest

*May:* The **Israel Antiquities Authority's Theft Prevention Unit** caught a man, from the nearby area of Silwan, with a **metal detector digging for ancient coins** on Mount Zion in Jerusalem. Use of metal detectors is prohibited under Israeli law.

## Ossuary controversy

A **2000-year-old stone ossuary**, bearing on its lid the inscription 'James, son of Joseph,



brother of Jesus' in Aramaic, became a cause for controversy when its existence in the collection of Tel Aviv engineer and prolific antiquities collector Oded Golan was revealed. The box, which has been shipped to Toronto, Canada for temporary display at the Royal Ontario Museum, is believed by the Israel Antiquities Authority's Theft Prevention Unit to be the **result of a tomb robbery**, possibly in Jerusalem. Amin Gamor, head of the anti-theft division, recounts rumours that the ossuary was on sale as recently as a year ago, but the reclusive Golan has **publicly asserted that he bought it at least 25 years ago** for a few hundred dollars from a Jerusalem dealer, whose name and location he cannot now remember. (The year of purchase is crucial as since the Antiquities Law of 1978 such objects would rightfully be State property.) Meanwhile, **scholars are divided as to the authenticity** and possible Biblical significance of the inscription, which will be difficult, if not impossible, to establish with no information about the object's context or provenance.



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# The illicit antiquities trade: an analysis of current antiquities looting in Israel

ORLY BLUM

The rich archaeological heritage of Israel is being constantly eroded by illegal excavations carried out to meet an escalating demand for antiquities. The Israel Antiquities Authority (IAA, the principal organization in Israel with responsibility for antiquities<sup>1</sup>) has a computerized list of over 14,000 sites (Reich 1998), but since 1967 more than 11,000 of these sites within the pre-1967 borders (mostly tombs) have been robbed. More than 6000 are in the foothills of Judea. The exact number of sites robbed since 1967 in the occupied territories is unknown, but it is in the thousands (Ilan *et al.* 1989).

This destruction has given rise to a debate within Israel between the IAA and the dealers' community. The IAA wants to change the law which currently permits antiquities trading — it believes that if the antiquities trade is outlawed then dealers will no longer be able to operate in Israel and theft from archaeological sites will stop. The dealers' lobby, however, maintains that if such a law is passed, then the antiquities trade will simply continue underground, as happens in other Mediterranean countries where it is forbidden, such as Egypt, Turkey, Greece, Italy, Cyprus and Jordan.

In 1985 the IAA established the Theft Prevention Unit whose duty is to prevent thefts from archaeological sites and to supervise commerce in antiquities. The Theft Prevention Unit has the power to conduct searches and make arrests, and also to investigate any suspicious business operations in the antiquities field. In 1995 the Unit caught 144 people illegally digging on ancient sites (Ya'akovi 1999). The IAA also has the authority to decide who will, or will not, be licensed to trade in antiquities (a licence is required under Article 15 of the 1978 Antiquities Law). In the state of Israel there are 75 licensed dealers with a combined annual turnover of about \$5 million.

The Antiquities Law implemented in 1978 effectively 'nationalized' antiquities in order to

protect them. Article 2(c) states that 'Where an antiquity is discovered or found in Israel after the coming into force of this law, it shall within borders fixed by the Director [of Antiquities] become the property of the State'. But this creates a paradox: on the one hand the sale and collecting of antiquities is allowed almost without restriction, while on the other all antiquities that have been discovered in Israel since 1978 are the property of the State. Therefore, licensed excavations cannot be a source of goods for antiquities dealers, who claim that in consequence they are obliged to purchase antiquities from illicit excavations. This has led, in turn, to the IAA declaring that dealers are encouraging antiquities theft and that therefore the trade should be forbidden.

Another paradox that should be mentioned is that Israel's Ministry of Tourism allows its seal of approval to be placed in the windows of the authorized antiquities shops despite the claim of the IAA that a large part of the material sold there comes from illegal excavations (Ilan *et al.* 1989).

While antiquities dealing in Israel is legal, it is not completely unregulated, and there are certain prohibitions on the export of antiquities. According to the 1978 Antiquities Law:

- Any antiquity exported from Israel requires the written approval of the Director of Antiquities. If the antiquity is of national importance, written approval of the Minister of Education and Culture is required.
- All antiquities shipped abroad must be registered and shipped through a licensed dealer. The IAA reserves the right to confiscate any item not registered.
- Export of architectural fragments or other objects of stone such as columns, ossuaries or sarcophagi is not allowed; nor is the export of ancient inscribed objects or written materials.
- The sale or transfer of antiquities from a private collection or museum needs to be approved by the Director of Antiquities.

Nevertheless, compared to the strict export laws of other Mediterranean countries the Israeli regime is tolerant and antiquities can easily be exported. Anyone who contravenes this export regulation, however, will be liable to imprisonment for a term of six months or pay a fine of 30,000 pounds.



## The market players

### *a) Thieves*

Article 9(a) of the 1978 Antiquities Law states that: 'No person shall dig on any land, or otherwise search, for antiquities, including the use of a metal detector, or gather antiquities, unless he has obtained a license to do so from the Director...'.

Antiquities criminals can be divided to two groups. The first and largest group are from the economically depressed villages in the West Bank and occupied territories. The IAA discloses that 99 per cent of thieves are shepherds and other local inhabitants from villages close to ancient sites. There are two reasons for this: the economic deprivation of the villagers and poor law enforcement. The second group of criminals are Israeli and foreign citizens who act as intermediaries or middlemen.

Since the Israeli occupation in 1967 the economies of the Gaza Strip and the West Bank have become extremely reliant upon jobs in Israel. When the Intifada began in 1987 these jobs became less secure because of strikes called by the Palestinian leaders and curfews imposed by Israel. There was an inevitable rise in the level of unemployment among Palestinians, exacerbated by Israeli employment of foreigners to replace Palestinians. Thus the illicit trade in antiquities thrives, due mainly to the economic distress of Palestinian citizens. On the 14 December 2000 the IAA reported that before the Intifada only 2 sites were illegally excavated a month but that since then the number has risen to over 16 sites (Golan 2000). This statistic demonstrates that antiquities thieves become more active since economic conditions have deteriorated.

Illegally excavated objects are transferred to middlemen. They have good contacts in Palestinian villages and purchase items often for very little money, and always in cash (Golan 2000). These antiquities are then sold to legitimate dealers. Middlemen are often Israeli or foreign citizens. The IAA acts against both thieves and middlemen — approximately 70–100 antiquities offenders are caught each year (Golan 2000).

Article 37(a) of the 1978 Antiquities Law states that a person who injures or defaces any antiquity or archaeological site is liable to imprisonment for the term of three years or a fine

of 150,000 pounds. The prison sentence is intended to deter and prevent pillaging though jail terms are rare. If it is impossible to prove beyond any reasonable doubt that robbers have actually plundered artefacts they will be released. The police do not help the IAA, and dealing with complaints about the destruction of sites or antiquities theft are not priorities. The lack of support from Israeli law-enforcement agencies is probably due to their poor awareness of the importance of the archaeological heritage.

### *b) Dealers*

Article 15 of the 1978 Antiquities Law states that a dealer can sell artefacts only if he is in possession of a license from the Director of Antiquities. Every licensed dealer has to keep a list of stock and register it annually when renewing his license (Ya'akovi 1999), although the IAA suspects that dealers replace every object sold with a similar one, which receives the same stock number (Pinto 1999). This is probably to circumvent the IAA regulations concerning artefacts but might also be to evade income tax requirements.

Legitimate dealers claim that most of their antiquities come from private collections and are purchased legally — in other words, from collections which were built up before 1978 when it was still legal to excavate on private property and collect artefacts from the surface (Maza 1990). It is difficult to prove otherwise as investigating the source of antiquities makes large demands on available resources. But it is hard to believe that the 100,000 artefacts that leave Israel each year all come from pre-1978 inventories.

### *c) Collectors*

There are different types of collectors, and some exert a strong influence on the political decision-making process insofar as it concerns the domestic antiquities trade. The first group of collectors is comprised of tourists who constitute 99 per cent of antiquities buyers. Many purchase a glass ornament, jar, coin or some other antiquity in one of the more than a hundred antiquities shops in Israel, the West Bank and Gaza Strip. In particular demand are pottery and coins from the period of the Bar-Kochva revolt (the Second Jewish revolt against Rome) AD 132–135. Christian pilgrims seek objects from the Byzantine era, and



the demand is greatest for items that are marked with a cross (O'Sullivan 2001). By and large tourists do not care about the provenance of an antiquity, their main interest is that the object is 'old'. An IAA survey revealed that 80 per cent of people entering antiquities shops are tourists and that 67 per cent of those buy an antiquity (Ilan *et al.* 1989). However, the Intifada has severely reduced the merchandising of antiquities, as fewer tourists are now visiting Israel (Maza 1990).

The second group of collectors are Israelis. Some are influential public figures who have exerted pressure on parliament not to change the current law, which permits trading in antiquities. In 1987 Teddy Kollek (an important antiquities collector, then mayor of Jerusalem and previously Chairman of the Israel Museum Jerusalem board of directors) stated in a letter addressed to the Minister of Education and Culture that prohibition of the antiquities trade would be absurd as the existence of legitimate sales galleries enables the IAA to supervise dealers and allows museums to purchase objects legally. Moreover, Mr Kollek argued that prohibition of the trade would drive it underground and that as a result most antiquities would then be smuggled abroad (Ya'akovi 1999).

Teddy Kollek is not the only Israeli politician to have collected antiquities. Another was Moshe Dayan, the almost legendary general and former minister, who had an obsessive hunger for valuable archaeological finds.<sup>2</sup> Dayan accumulated his extensive private collection through unauthorized and unscientific digs, using Israeli soldiers and army helicopters. While acting as Minister of Defence he blocked important anti-looting legislation. When the IAA discovered this, rather than arresting him, they seized most of his private collection and displayed it in the Israel Museum Jerusalem. Kollek and Dayan did a lot to prevent the establishment of laws aimed at safeguarding the national heritage, while at the same time protecting and increasing their own collections. These episodes raise important questions about the pressure that powerful individuals may bring to bear on the executive body and highlight conflicts that may occur between public and private interests in the archaeological heritage.

Many other private collectors have voluntarily opened their collections to the public. In so

doing, they have invited the public to share the cultural heritage of the country. This phenomenon encouraged individuals such as Nahman Avigad (1905–92) and Yigael Yadin (1917–84), both Israeli archaeologists and collectors of Israeli antiquities, to arrange for the publication (sometimes by themselves) of items in private collections.

#### *d) Museums*

Some influential curators at the Israel Museum Jerusalem and the Eretz Israel Museum in Tel-Aviv support the antiquities trade as it is presently constituted for the simple reason that it allows them to continue buying antiquities on the open market. Preventing such a trade would severely constrict the museums' sources and would create a dependency on the IAA. Antiquities displayed in Israeli museums come from authorized and unauthorized excavations. The Israel Museum Jerusalem has an impressive department of Israeli antiquities, many of which have been lent or donated by the IAA, while others have been confiscated from robbers or from dealers. But the problem at hand is not whether a museum is entitled to acquire an artefact which has been looted from within the state of Israel and then confiscated, rather it is the attitude of the museum towards the continuation of a legal antiquities trade. If the IAA presumption that banning the antiquities trade would reduce the incidence of looting is correct, then by supporting the continuing existence of a legitimate antiquities trade influential voices within the museums world are encouraging the continuation of the looting.

#### **Solutions**

The museums and the IAA are both seeking to reduce the plunder of archaeological sites, but have different views as to the best course of action. Would Israel control it more effectively by banning the trade or by maintaining or even increasing a legitimate and supervised trade?

The IAA survey revealed that the majority of small antiquities such as coins, oil lamps and so on are bought by tourists. These artefacts represent, according to the survey, the majority of archaeological objects plundered from ancient sites. Therefore, outlawing the trade would make it impossible for dealers to sell their merchan-



dise to tourists who are the most important market for antiquities and, as it will be less profitable, reduce the amount of plundering. Against this, the illegality of the antiquities trade might only escalate prices and lead to even higher profits for dealers and middlemen. Another objection to outlawing the trade is that it would go underground and the objects will be smuggled abroad. In other Mediterranean countries that have banned their antiquities trade the authorities are still struggling to contain looting.

A counter proposal made by the pro-trade lobby is that the IAA should sell artefacts that have already been studied and documented and which at present are not exhibited to the public but are kept in storage. There is, however, a strong objection to this suggestion. According to the IAA over 100,000 artefacts are sold yearly. The Department of Antiquities has approximately 120,000 registered items, other than coins (Ilan *et al.* 1989). If the present volume of sales were maintained, the Department of Antiquities' store-rooms would be emptied within a year.

There is a serious imbalance between the small supply of legitimate antiquities and a growing demand. The problem can only be solved by increasing the supply or by reducing the demand. The fact that it is legal to sell antiquities from illegal excavations raises many uncertainties about the preliminary source of those antiquities. Consideration should be given to relaxing the law

which 'nationalizes' each antiquity found.

## Notes

1. Excavation, conservation of antiquities and ancient sites, educational activities and the prevention of antiquities theft.
2. Dayan was elected in 1959 to the Knesset (Parliament) as a member of Mapai, a party within the Israel Labour party coalition. In 1965 he was elected as a member of Ben-Gurion's new party — Rafi (Alliance of Israel's workers). On June 1, 1967, when war with Israel's Arab neighbours was imminent, Dayan was appointed Minister of Defence.

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ORLY BLUM  
Herzeliya Pituach  
Israel





## Aphrodite

Sicily, a land famous for its history and traditions, continues to suffer from the looting of its archaeological heritage. The plunder is promoted by unscrupulous dealers interested only in their own economic advancement and the artefacts removed — as so often happens — are shipped abroad to the wealthy ‘demand countries’. One such case came to light in 1988 when the Superintendency for Cultural Property (Fine Arts) informed the Section of Carabinieri for the Protection of Cultural Heritage that a fourth-century BC Greek statue of Aphrodite, 230 cm high and executed in limestone, had been removed illegally from the archaeological area of Morgantina, close to the modern town of Enna. Enquiries carried out with the assistance of Interpol uncovered the route followed by the statue, which had eventually come to rest in the J. Paul Getty Museum after passing through the hands of a British citizen who claimed to have bought it from a family based in Lugano, Switzerland.

The case seemed set for a positive resolution in October 1988 when the Getty forwarded to the Italian Ministry of Cultural Property a letter written by Thomas Hoving (editor of *Connoisseur* magazine) in which he declared that the statue had been obtained through illicit excavation at Morgantina, and marketed by an Italian citizen who had offered the piece to several dealers before finally selling it.

During a visit to the Getty, the Superintendent Archaeologist of Rome, Professor Adriano La Regina, examined the statue, and on the basis of its style and material proposed a Morgantina provenance. Dr Marion True, Curator of the Department of Antiquities at the Getty, then agreed that a joint examination of the object should proceed in cooperation with Italian archaeologists so as to verify its provenance. The committee, convened by the Ministry of Cultural Property, and chaired by Professor Giovanni Guzzo, Superintendent Archaeologist of Pompei, confirmed after intensive study in March 2000 that the statue was made of Sicilian limestone.

Unfortunately, the committee’s findings did not result — as expected — in the return of the statue to Sicily. It is still exhibited at the Getty.

The return of the statue would permit the Museum to demonstrate its sensitivity to Italian concerns about lost cultural heritage and also to confirm its adherence to the principles laid down in the ICOM Code of Ethics.

COMANDO CARABINIERI TUTELA PATRIMONIO CULTURALE  
Rome, Italy

### The Getty replies

*Culture Without Context contacted the J. Paul Getty Museum about the statue of Aphrodite, and its Director Deborah Gribbon replied as follows:*

In the fall of 1987, when the Getty Museum was considering the acquisition of the large cult statue thought to represent Aphrodite, we informed the Italian Ministero per I Beni Culturali, as well as the Ministries of Culture of Greece and Turkey, of our intention and requested any information about the history of the object or possible claims against it. The response that the Museum received in November from the Ministero per I Beni Culturali, signed by Professor Francesco Sisinni, Director General of the Ministero, stated that [obviously in translation]: ‘. . . from the search conducted at the competent offices of this Administration, no information as to the origin and authenticity of the object has been found’.

The allegation that the statue came from Morgantina was made some months later. Early in 1988, Thomas Hoving telephoned the Museum to say that he understood we were considering purchasing a statue of Nike that was found in illicit excavations at Morgantina. Mr Hoving offered no evidence to support this statement of provenance, but we acted immediately to investigate the matter. The Museum’s Curator of Antiquities, Marion True, contacted Professor Malcolm Bell, on the faculty of the University of Virginia and Field Director of Morgantina Excavations. Dr True explained the situation and dispatched by courier high-quality photographs and a complete description of the statue, asking for Dr Bell’s opinion. After receiving the photos, Dr Bell wrote Dr True saying that

in recent years important works of art have been found at the site, produced both by legitimate and illegitimate excavation. I would therefore not rule



out a possible provenance for the piece at Morgantina. At the same time I can say that, at the time of writing, I know of no reason to argue that it was found at Morgantina.

Later, in conversation with Dr True, Dr Bell suggested two reasons why he felt the Aphrodite did not come from Morgantina. No sculpture carved in the acrolithic technique (the unusual combination of limestone and marble used for the piece in question) had ever been found at the site — in fact, no limestone sculpture had ever been found at Morgantina at all. And as the style of the statue suggested a date around 400 BC when the city of Morgantina was suffering a serious economic decline, it was highly unlikely that such a large and expensive sculpture would have been commissioned for a local sanctuary.

Provided with that information, the Museum proceeded with the acquisition in July, 1988. The acquisition was announced immediately. The Aphrodite went on public display within seven months (it took some time to design and build a mount that would be seismically safe) and the Museum published the sculpture in 1989, less than a year after it had been acquired.

After the announcement of the purchase, Mr Hoving published an article in *Connoisseur* that purported to detail the recent history of the statue. Once again, he presented no evidence to substantiate his story, but the Museum took the precaution of sending the text to the Italian Ministry to ensure that the officials in charge would be aware of Mr Hoving's story.

In the fall of 1988, Professor Adriano La Regina was sent by the Italian government to examine the statue. He could not, and did not, comment on the alleged provenance of Morgantina, as he claims no expertise in the artefacts from that site or, indeed, from that region (he is and has been for many years the Soprintendente of the Fori Imperiali in Rome). He came to the Museum to verify the authenticity of the sculpture, as several statements in the Italian press had suggested that the piece was an elaborate forgery. The Museum extended every courtesy to Professor La Regina, giving him free access to the statue. He concluded that it was genuine.

Over the next years, Dr True and Jerry Podany, the Getty's Conservator of Antiquities,



*Fourth-century BC Greek statue of Aphrodite.*

spoke with representatives of the Ministry about the possibility of studying the limestone from which the body was carved. Ultimately, the Museum voluntarily provided stone samples that could be analyzed by geologists in both Los Angeles and Palermo. This analysis was not done for the purpose of determining the find spot of the sculpture; such an analysis was not, and is not today, technically possible. It is acknowledged by American and Italian scientists that the study and identification of limestone quarries is still in its infancy — most ancient quarries have not been located or sampled and no large data bases for the accurate determination of provenance yet exist for various types of limestone. In addition, but equally important, even if the quarry could be identified, it would not be a certain indicator of the provenance of the sculpture. Marble analysis had already determined that the head and preserved arm, hands, and foot of the statue are all made of Greek marble from the is-



land of Paros, but the statue's provenance was manifestly not Paros.

Early in 2000, the Italian scientific committee prepared a report that concluded the limestone was Sicilian. The Getty's analysis reached the same conclusion. While we promptly sent a copy of our conclusions to the Italian officials, the Italian scientific committee's report was

never shared with the Getty. Instead, it was released directly to the press.

The Getty Museum has never represented anything other than the fact that the statue probably came from the area of Magna Graecia (South Italy and Sicily). The determination of the limestone as Sicilian by itself does not establish a Morgantina provenance for the piece.

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## Stemming the illicit trade in antiquities

MARINA PAPA SOKAL

**I**n February 2002, the prominent New York antiquities dealer Frederick Schultz was convicted in federal court for conspiring to sell illegally excavated ancient Egyptian artefacts. But the Schultz case, which has sent tremors through the art world, is only the tip of the iceberg.

Just walk into any of those elegant Madison Avenue galleries of ancient art and ask how that beautiful Greek vase or Roman mosaic got there. You will most likely be told that it was acquired from an 'old established European collection'. But request more specific information — the name of the previous owner, the place and date of purchase — and the answer will be that this is 'confidential'. What this most likely means is that the object's provenance is either unknown or illicit. As British journalist Peter Watson has documented, illegally excavated antiquities from Italy, India, Cambodia and many other countries travel through a shadowy network of intermediaries to end up in the showrooms and auction houses of London and New York.

The worldwide looting of archaeological sites and ancient monuments has grown in the past two decades to alarming proportions. Every time an object is ruthlessly extracted from the ground and separated from its context — rather than being scientifically excavated — invaluable historical knowledge is irreparably lost. This loss is not only to the people whose cultural heritage is being devastated, but to the common history

of humanity.

Because unregulated trade in antiquities creates a strong incentive for the pillage of archaeological sites, UNESCO adopted in 1970 the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which was ratified by the US Senate in 1972 and implemented into law in 1983. One of the most important features of the UNESCO Convention is Article 10(a), according to which each ratifying country commits itself, 'as appropriate for each country, [to] oblige antique dealers . . . to maintain a register recording the origin of each item of cultural property, names and addresses of the supplier, [and] description and price of each item sold'.

The idea is to deter the illicit trade in antiquities by creating a paper trail. Here's an analogy: businesses are required by federal law to maintain certain financial records, which are subject to audit by the tax authorities; and though this record-keeping doesn't make it impossible to cheat on one's taxes, it does make it more difficult. Likewise, the documentation required by Article 10(a) would make it harder to buy in Geneva a vase freshly looted from an Etruscan tomb and pass it off as coming from an 'old European collection'.

Nor should this minimal record-keeping be burdensome to legitimate antiquities dealers, who presumably keep this information anyway for their own business purposes.

Sadly, the US declined to implement Article 10(a) on the grounds that regulation of antiquities dealers should be left to state and municipal governments. But insisting that this regulation be done at the state and local level is tantamount to guaranteeing that it won't be done



at all. In the unlikely event that New York City or New York State were to enact such a registration law, the Madison Avenue dealers could simply move to New Jersey. Moreover, the threat to do so would almost certainly deter the city or state government from enacting such a law in the first place. The illicit trade in antiquities is obviously a national — indeed, international — problem, and needs to be addressed at the federal level.

This is, in reality, a very modest proposal, which falls far short of what would be a truly adequate regulation: namely, demanding that each archaeological object have a documented provenance back to a specified cutoff date, and making the rebuttable presumption that objects without such documentation are illicit.

Some museum directors worry that more stringent regulation of the antiquities trade may impede their ability to build collections. But the needs of museums and educational institutions can also be satisfied through means other than purchase on the private market. Among these are long-term loans, widely travelling exhibitions, museum-to-museum sales or exchanges of duplicate objects, and joint excavation projects with art-rich countries in which the finds could be fairly shared between the country of origin and

the foreign contributing institutions.

The goal should not be principally to keep every archaeological artefact in its country of origin, but rather to make sure that the object is scientifically excavated, that its history is recorded, and that the public and scholars have access to it. Ultimately, it doesn't matter whether a vase from Pompeii ends up in a museum in Naples, Italy or in Naples, Florida, as long as the knowledge of its context is preserved. Indeed, the point is to make the culture and arts of other countries available to as many people as possible around the world, in a democratic way.

The National Association of Dealers in Ancient, Oriental and Primitive Art — of which Mr. Schultz is a former president — reacted to his conviction by calling the case 'an isolated incident that does not reflect the high standards and prudent practices of the Association's members'. If that is true, then the dealers should have no objection to a registration law implementing Article 10(a).

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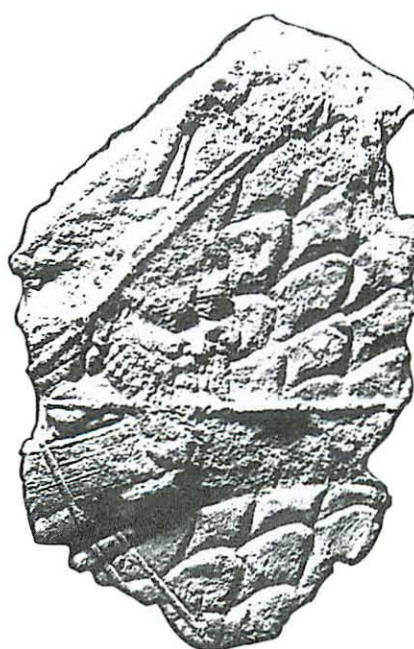
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Correspondence relating to all aspects of the legal and illegal trade in antiquities is welcome; we will make an effort to print reasonable, non-libellous letters. No unsigned letters will be printed, but names will be withheld upon request.

Printed by BluePrint, Severn Place, East Road, Cambridge CB1 1HY. Tel: +44 (0)1223 314315





## Illicit Antiquities Research Centre

The Illicit Antiquities Research Centre (IARC) was established in May 1996, and commenced operations in October 1997 under the auspices of the McDonald Institute for Archaeological Research in Cambridge, England. Its purpose is to monitor and report upon the detrimental effects of the international trade in illicit antiquities (i.e. antiquities which have been stolen or clandestinely excavated and illegally exported). The volume of this trade has increased enormously over the past twenty years and the associated demand is thought to have caused the large-scale plundering of archaeological sites and museums around the world.

The IARC will bring to the attention of the general public the scale and nature of this destruction (see Statement of Intent on back cover). It will also endeavour to create a climate of opinion which will discourage the collection of illicit antiquities by emphasizing that the true scholarly value of an artefact is irreparably damaged by the loss of cultural information which is caused by its unrecorded divorce from context. Thus the primary concern of the IARC will be to reduce the loss of knowledge caused by the chronic despoliation of sites and museums. Issues of object ownership are of secondary interest but are nevertheless frequently an inseparable part of the problem.





## Editorial

The Near Eastern Project, under the umbrella of IARC, will concentrate on acquiring and disseminating information on the illicitly excavated and/or stolen antiquities of the Middle East. The international trade in these items has increased over the last few decades owing to an increased appreciation for Near Eastern antiquities and owing to the disruption caused by various civil and international conflicts; and it was therefore thought appropriate for IARC to begin its program by concentrating on this area. This newsletter will devote each issue to a single country of the Middle East, highlighting the particular difficulties facing that country with regard to the problem of illicit antiquities. In addition, the newsletter will be reporting on wider legal issues involved in antiquities trade, governmental responses, and important illicit objects from other countries, as the need and opportunity arises.

Given that the recovery rate for stolen and illegally exported, yet eminently recognizable, 'fine art' works is only in the range of 5–10 per cent worldwide, one might legitimately ask why we are expending energy in this direction on behalf of antiquities. Rates of recovery for stolen items increase in proportion to the value of the object and its recognizability — these making it more likely on the one hand that their resale will be noticed and on the other hand that prior ownership can be proven immediately. It is paradoxically regrettable that prices for Near Eastern antiquities are relatively low, and their degree of recognizability is also frequently low. This lack of recognizability is to some extent inherent in the objects themselves; it is compounded by the lack of resources in many Middle Eastern museums for the intensive documentation of objects necessary for their easy identification, and for the dissemination of this information should the items be stolen. Thus it may seem that compilation of a register of stolen and illegally exported Near Eastern antiquities and the attempted recognition and recovery of such artefacts could be considered time and energy thrown away. Any registry of stolen antiquities compiled by IARC may overlap with the efforts of other groups (Art Loss Register, International Association of Dealers in

Ancient Art, Scotland Yard Art and Antiques Department, etc.), but what IARC aims to provide is a linkage among those groups, national Antiquities Departments, the academic community, art insurers, and legitimate collectors and sellers of ancient art. We also plan to go beyond the recognition and recovery aspect and to hold up the trade in ancient art for scrutiny, hoping to provide innovative solutions to its inherent problems.

It would be impossible and unfair to call for a complete halt to all trade in antiquities, given that many transactions in this area involve objects that were legitimately removed from their country of origin prior to the 1970 UNESCO Convention. But how to eradicate the damaging trade in illicitly excavated or illegally exported antiquities, without harming the market? The arguments of those who would justify the sale of illegally exported artefacts are ready to hand — primarily that one should not blame the art market and those operating within it for the trade, but the countries of origin themselves, which do not care to or cannot control access to their own cultural property. Our response to this is to recount the constraints on the antiquities departments in most source countries; they often simply do not have the money or staff to properly police sites nor to adequately record the contents of their museums. Laws against illegal excavation and exportation exist in every country of the Middle East, but regrettably, although the will exists it is too often under-supported.

Another prevailing attitude is that purchase of stolen artefacts allows them to be conserved, appreciated, and saved from destruction or oblivion — this is a trickier problem. Our answer stresses that the objects lose value drastically when their context is not known — without the association of a site, a date, an original owner or creator, the significance of the object is greatly reduced.

We must respond to the idea that active promotion of legal trade in antiquities will eradicate the demand for illegally excavated and exported objects. In theory, source countries could sell off 'surplus' or duplicate items, supplying the international demand for antiquities while, again theoretically, reducing the likelihood of illegal excavations and exports. The International Cultural

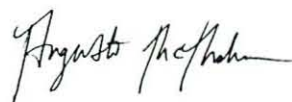


Property Society, through its publication, the *International Journal of Cultural Property*, has often promoted this avenue and has some quite persuasive arguments for it. On the altruistic side, there is the fact that expanded legalized trade would serve as a form of cultural exchange, introducing ancient objects to a wider range of people and creating a greater sense of appreciation for ancient art. While the degree of success this aspect would have may be debatable, on a practical level, it is certainly true that most museums in the Middle East are full of well-excavated and already well-recorded objects which the museums have no space to exhibit, and which many museums and collectors in other countries would be happy to own, have the space to exhibit and, most importantly, have the money to pay for. One can logically argue further in this vein that sale of duplicates would provide the antiquities departments of source countries with the resources necessary to record adequately the objects in their collections which are to be retained, against possible loss. And with the opening up of the market, the incentive for trade in illegally acquired objects could potentially be reduced.

But clearly there would need to be extraordinarily tight controls on this legal trade, including extensive documentation and standardized non-duplicatable export licences. And with increasing numbers of objects on the move, it is possibly more likely than ever that illegally acquired ones could be hidden among them. The illicit market will only collapse if the licit

market can defeat it, not merely compete with it. A host of problems connected with this legal trade can be envisaged: how would the source countries select the pieces they would offer for sale? Would the objects selected as expendable actually be saleable, and would the entire project produce enough revenue to make it worthwhile? A concerted international effort would have to be made to get such a program of sale up and running — and who would fund and organize such a venture?

And what about the role of the original excavators in this legal trade (in the frequent case that the excavators are from a different country than the artefacts)? Whenever this avenue of expansion for the licit trade has been discussed and encouraged, there has been little to no mention of the possible reaction of the excavators themselves. It is often in the excavators' and other scholars' interests to keep as many of the objects from one site or region together, to facilitate post-excavation study; and these interests should not be ignored. Even if removal of an object from a museum store in the source country to an exhibit space in another country means that many more individuals will see it, might the restricted access to the object by scholars and inhabitants of the home country be potentially viewed as more valuable?



A. McMahon  
Editor

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*Culture Without Context* will be published twice yearly. The next issue will appear in April 1998. Subscription details are available from:

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## In the News

In recent months the news has been dominated by the reactions to allegations made by Peter Watson in his book *Sotheby's: the Inside Story*, subsequently televised as part of the C4 Dispatches series. It was revealed that senior members of Sotheby's staff had been aware of smuggled antiquities from Italy and India being offered for sale in London.

In response to a question tabled in the House of Lords the Government re-affirmed its view that the art market should regulate itself and in February Sotheby's named four non-executive directors who were appointed to conduct an internal review of the auction house's working practices.

The need for effective self-regulation was also stressed by Joanna van der Lande, the newly elected chairman of the Antiquities Dealers Association and head of Bonhams antiquities department. In June she reaffirmed the need for responsible sections of the trade to isolate themselves from those who transgress the ADA code of practice and also called for better relations between dealers, museums and academics.

Sotheby's announced in July that they were to end regular antiquities sales in London in order to concentrate their activities in New York. As a result of this decision Oliver Forge, head of antiquities, and Brendan Lynch, head of the Islamic and Indian department, chose to leave the company.

Dubious dealings were also highlighted during the trial of Jonathan Tokeley-Parry, a dealer who first appeared in court in January to deny three counts of handling stolen antiquities. The trial continued sporadically through the first half of the year until June when Tokeley-Parry was found guilty on two counts of handling artefacts looted from Saqqara, including pieces of a false door from the tomb of Hetepka and a bronze figure of the falcon god Horus, but was cleared on a third charge of handling pieces of a false door from the complex of King Pepi. He had previously been sentenced in his absence to 15 years hard labour by an Egyptian court.

Tokeley-Parry had shown a courier how to coat objects in plastic which could then be painted over to disguise them as tourist trinkets, allowing

them to pass through Egyptian customs undetected. The plastic and paint were removed with acetone once the smuggled artefacts were in England. The jury was shown photographs of a damaged head of Amenhotep III, 'restored' by Tokeley-Parry who had arranged to sell it for £850,000 to New York dealer Fred Schulz. In his defence Tokeley-Parry claimed to have bought the objects in Switzerland and Germany, emphasizing again the central role that these countries play in the illicit trade.

This role is set to diminish, however, as the Swiss government is in the process of ratifying both the UNESCO and Unidroit conventions. In protest Ruedi Staechelin has withdrawn his family's collection of modern art from museums in Basel and Geneva and loaned it instead for three years to the Kimbell Art Museum in Fort Worth.

Some of the looted Nineveh reliefs reported in this issue have surfaced in Britain. Dr Prudence Harper of the Metropolitan Museum was sent a photograph of a piece from the palace of Tiglath-Pileser III by the London dealer Mr Robin Symes.

The situation in Afghanistan is a continuing cause for concern. The colossal figure of Buddha in Afghanistan's Bamiyan Valley was threatened by the Taliban commander Abdul Wahid who said that his troops would destroy it if they broke into the area. The Taliban government denied this threat but the present position is unclear. On a more positive note the Society for the Preservation of Afghanistan's Cultural Heritage (SPACH) has recently recovered a number of antiquities which had been looted from Kabul Museum. They include six plaster medallions from the Begram Treasure and two stone seals of Bronze Age date from Shortugai.

Italian police have recently charged Franco Zanetti with selling stolen antiquities from an internet site. Zanetti was offering artefacts from sites in Iran, Turkey, Egypt, Iraq and Lebanon as well as from sites in Italy.

Finally there is the strange report of a bag packed with Egyptian antiquities found at the Unclaimed Baggage Center of Scottsboro, Alabama. The Center deals in baggage which remains unclaimed at airports throughout the United States.



# Iraq Since the Gulf War

## The loss of archaeological context and the illegal trade in Mesopotamian antiquities

McGUIRE GIBSON

The Gulf War of 1991 has had a devastating impact on the archaeology of Iraq. This statement is true although destruction of sites during the war was relatively slight, as far as can be gauged. Bombs dropped into the ziggurat enclosure area at Ur created large craters, about ten metres in diameter and four metres deep, and one strafing run by a plane resulted in four hundred holes in one side of the ziggurat. Use of Tell al-Lahm, to the southeast of Ur, as a position for U.S. troops was accompanied by machine-excavation of several large holes. Probably other tells suffered similar damage, but lacking a systematic study of the war's effect on antiquities, as requested by UNESCO but denied by the UN Security Council, we cannot say for certain. Some standing buildings in Baghdad, Basra, and elsewhere were damaged by shrapnel, and many buildings received structural damage as the result of the continued shaking of the ground during the period of bombing.

The aftermath of the war witnessed the looting and sometimes the burning of nine regional museums and the loss of more than three thousand artefacts, only a few of which have been recovered. The loss of the objects, although grave, was not as destructive as the change that the attacks on the museums will have on the future relationship of museums to the people of Iraq. It is unlikely that there will ever again be an effort at public education about archaeology on the scale that was represented by those regional museums.

The main devastation to archaeology, however, was not the loss of the objects and the damage to the museums, but was, rather, the

halting of almost all archaeological research in the country, along with the gradual loss of control over the sites, and the revival of the illegal antiquities trade. Iraq, in the past five years, has joined the ranks of countries that are routinely robbed of their antiquities.

Since its birth as a nation in 1923, Iraq has had a Department of Antiquities with a model antiquities law and a National Museum. In order to build the museum's collections quickly, foreign expeditions were induced to work in the country for a share in the excavated objects. The choice of which half of the duplicate objects would remain in Iraq was left to the Director of Antiquities, with all unique items going to the Museum. The long-term excavations at Kish and Ur set the pattern and showed how effective the policy was in forming a collection of Mesopotamian artefacts that is second to none.

From its inception, Iraqis were included in the administration and staffing of the Antiquities Department and the Museum, but the sending out of Iraqi students for graduate training in Europe and the U.S. in the 1930s marked the beginning of real control by Iraqis themselves. The excavations at Tell Hassuna and Tell Uqair, carried out during World War II by Taha Baqir, Fuad Safar and others who had returned from abroad, were the beginning of a record of investigation and restoration that has placed Iraq in the forefront of responsible excavation, analysis, and curation of antiquities in the Near East. The continued welcome that was afforded to foreign expeditions and the joint Iraqi/foreign operations (most notably the Hamrin, Haditha, and Eski Mosul Salvage projects) have been examples for other nations to emulate.

During the 1920s there was some legal dealing in antiquities in Baghdad, but by the 1930s the trade was being reduced systematically. Edgar J. Banks, probably the leading American dealer in Mesopotamian antiquities at that time, would routinely mention in letters to clients the increased difficulty in obtaining objects from Iraq due to the strictness of the antiquities law. After



the revolution of 1958, the antiquities trade in Iraq was stopped entirely. Occasionally, through the next two decades, would one hear a rumor of cuneiform tablets, cylinder seals, or other objects on the market in Europe. Clearly, some illegal trade was still going on because there was a continuing dribble of important artefacts finding their way to display cases in major museums. When these museums accepted the UNESCO protocol on cultural property, by which they agreed not to accept artefacts that had left their countries of origin after 1970, such objects would be displayed with a label proclaiming that they were on loan from a named collector.

But the trade in illegal antiquities from Iraq remained a minor one even during the 1980s, when great numbers of objects from Iran, Afghanistan, and other countries were fueling the markets in Europe, America, and elsewhere. Because it had title to all antiquities sites in Iraq, and it had not just guards at major sites but also regional inspectors in all areas, the Iraqi Department of Antiquities was in an enviable situation when compared to its counterparts in neighbouring countries.

With the economic embargo that is still in place, however, the situation in Iraq has changed drastically. The economic hardship that has forced Iraqi individuals to sell off their personal property and then resort to begging or to theft has also forced institutions to make hard choices. The Department of Antiquities has been forced to pare its central staff and that of the National Museum to a skeleton crew, to lay off site guards, and to cut back on automobiles that regional inspectors need to make their rounds and to investigate reported violations of sites. Now, the Department of Antiquities receives reports of dozens of people digging illegally on well-known sites such as Umma and Ur, and of continuing looting of many other sites, especially those in desert areas. Even sites that are major tourist attractions in and near population centres and which are still manned by guards are not safe. Within the past two years, the Department of Antiquities has reported the theft of a slab of sculpture from the palace of Assurnasirpal at Nimrud (ancient Calah), the loss of sculptured items from Hatra, and most recently the removal of a number of relief fragments from the throne room of Sennacherib's palace at Nineveh.

Despite the fact that desert patrols have intercepted small trucks filled with antiquities, and the customs inspectors at the Iraqi-Jordanian border have confiscated enough antiquities to make possible an exhibition in the National Museum, many more objects are being smuggled out successfully.

During the past five years, the number of Iraqi artefacts in the European and American antiquities market has increased dramatically. On a visit to Portobello Road two years ago, I saw Mesopotamian tablets and cylinder seals in several shops. Having been a visitor to Portobello for many years, I can testify that I had never before been aware of Mesopotamian objects there. I found even more and better quality items in the up-scale antiques markets near Bond Street. In one Bond Street shop, I was shown a bag of more than a hundred cylinder seals and received an apology because these were the poorer quality ones; I was told that the best items had been sold to Japanese and Taiwanese collectors a day or two before. Regrettably, in several of the shops I visited, some items (and most usually cuneiform tablets) were accompanied by written authentications, including dating and translation or at least indications of content, signed by well-known British colleagues.

Publicity of the loss of Iraqi antiquities, appearing in *Archaeology* magazine, *The New York Times*, and *International Fine Art Reports*, as well as in the fascicles of *Lost Heritage*, has had some effect on the illegal antiquities market, if only in making some buyers a little more cautious. A large stone statue fragment, with a very important inscription related to a revolt against the Old Babylonian king Samsuiluna, was being offered two years ago by an unnamed dealer in London. Several colleagues who attended an American Oriental Society meeting at that time were shown photographs of the object, and one of these persons discussed the importance of the inscription with me. The object was said to have a provenance that would place it in Switzerland thirty or more years ago, thereby avoiding the difficulties presented by the UNESCO resolutions on cultural property. The dealer was unable to sell the artefact at that time, and now it is being offered again. This time, I am told, the price is greatly reduced and the provenance has been changed; now it is said to have a certificate of export from the Jordanian government. Since the



Jordanian Department of Antiquities has had as strict a rule against the trade in antiquities as Iraq, the certificate is of dubious value.

The brisk trade in smuggled Iraqi antiquities, regardless of the route, has had a very bad effect on the archaeology of neighbouring countries. We hear reports of looted sites in Syria and Jordan. In the past two years, souvenir dealers and rug merchants in Amman, Damascus, and Aleppo offered me a few, poor quality or fake Iraqi antiquities, but they had many more Jordanian and Syrian items. Despite a well-publicized raid on one shop, after a complaint was lodged in an Amman newspaper, the Jordanian Depart-

ment of Antiquities and its counterpart in Syria clearly are beginning to lose the fight against antiquities smuggling. But as long as the smuggling is encouraged and abetted by our professional colleagues, major museums, and those museums' donors who are major collectors, the market will continue and the destruction of archaeological sites will increase.

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## The modern sack of Nineveh and Nimrud

JOHN MALCOLM RUSSELL

The Assyrian came down like the wolf on the fold,  
And his cohorts were gleaming in purple and gold;

(Byron, *The Destruction of Sennacherib*, 1815)

So wrote Byron of the siege of Jerusalem, undertaken by the Assyrian king Sennacherib in 701 BC from Nineveh, capital of the greatest empire the world had ever known. For two and one-half millennia, the only known account of this momentous event was in II Kings:18–19, which reports that Sennacherib's invincible army was laid low by the angel of the Lord, after which Sennacherib returned to Nineveh where he was murdered by his sons. Nineveh itself fell to the Medes and Babylonians in 612 BC, its splendour buried under the shifting dust of northern Mesopotamia.

In 1847 the young British adventurer Austen Henry Layard explored the ruins of Nineveh and rediscovered the lost palace of Sennacherib across the Tigris River from modern Mosul in northern Iraq. Inscribed in cuneiform on the colossal sculptures in the doorway of its throne room was Sennacherib's own account of his siege of Jerusalem. It differed in detail from the biblical one, but confirmed that Sennacherib did not capture the city. This find

generated an excitement that is difficult to imagine today, because amid the increasing religious doubt and scriptural revisionism of the mid-nineteenth century, it gave Christian fundamentalists an independent eyewitness corroboration of a biblical event, written in the doorway of the very room where Sennacherib may have issued his order to attack. The palace's interior walls were panelled with huge stone slabs, carved in relief with images of Sennacherib's victories. Here one could see the king and army, foreign landscapes, and conquered enemy cities, including a remarkably accurate depiction of the Judean city of Lachish, whose destruction by the Assyrians was recorded in II Kings 18:13–14.

Considering that the palace had been destroyed by an intense conflagration during the sack of Nineveh in 612 BC, the massive walls and many of the relief sculptures of Sennacherib's throne-room suite were surprisingly well-preserved. In the 1960s, because of the palace's historical importance and unique preservation, the Iraq Department of Antiquities consolidated the walls and sculptures and roofed the site over as the Sennacherib Palace Site Museum at Nineveh, where visitors could tour the remains, one of only two preserved Assyrian palaces in the world (Figs. 1 & 2). (The other is the palace of Assurnasirpal II at Nimrud, Iraq, also restored as a site museum.) The four restored rooms of the throne-room suite contained some 100 sculptured slabs in various states of preservation. In two of these rooms, parts of nearly every slab survived, mak-



ing these the most completely preserved decorative cycles in the palace.

Because most of these reliefs have never been published, they needed to be documented in case the originals were lost or damaged and to guide future conservation efforts. As a member of the University of California, Berkeley, team at Nineveh in 1989 and 1990, I took roughly 900 photographs of the remains of the throne-room suite, with the objective of recording the surviving sculptures in detail. My book of these photographs, together with drawings, plans, and commentary, tentatively entitled *The Excavation and Destruction of Sennacherib's Palace at Nineveh, Iraq*, will be published by Yale University Press in late 1997.

An example will give some sense of what this project accomplished. In *Nineveh and Its Remains* (vol. 2, p. 469), A.H. Layard, who first excavated in the palace, published an engraving of a unique representation in which two Assyrians make an offering before two standards, which have the form of horned dragons or serpents attached to poles (Fig. 3). This image is of considerable interest for the study of Assyrian cult practice. Layard did not indicate which room or slab this representation was from, nor did he give any indication of scale, and the original drawing from which the engraving was made has not been located. My documentation work showed that this image is a detail from Slab 43 of Room V, the retiring room behind the throne



Figure 1. *Nineveh, Southwest Palace, general view of site museum. (Photo: author.)*



Figure 2. *Nineveh, Southwest Palace, view of restored throne room. (Photo: author.)*

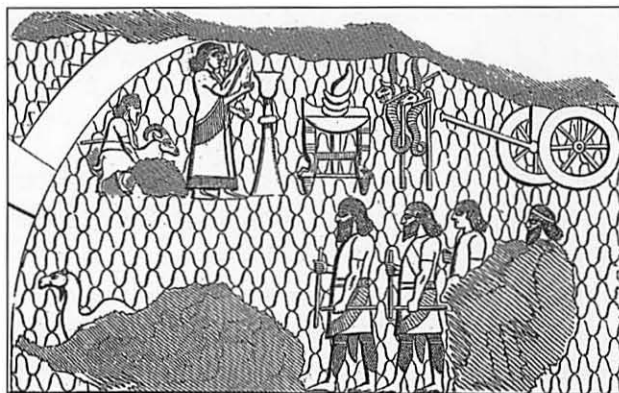


Figure 3. *Nineveh, Layard drawing of unidentified scene. (After Layard 1849, vol. 2, 469.)*



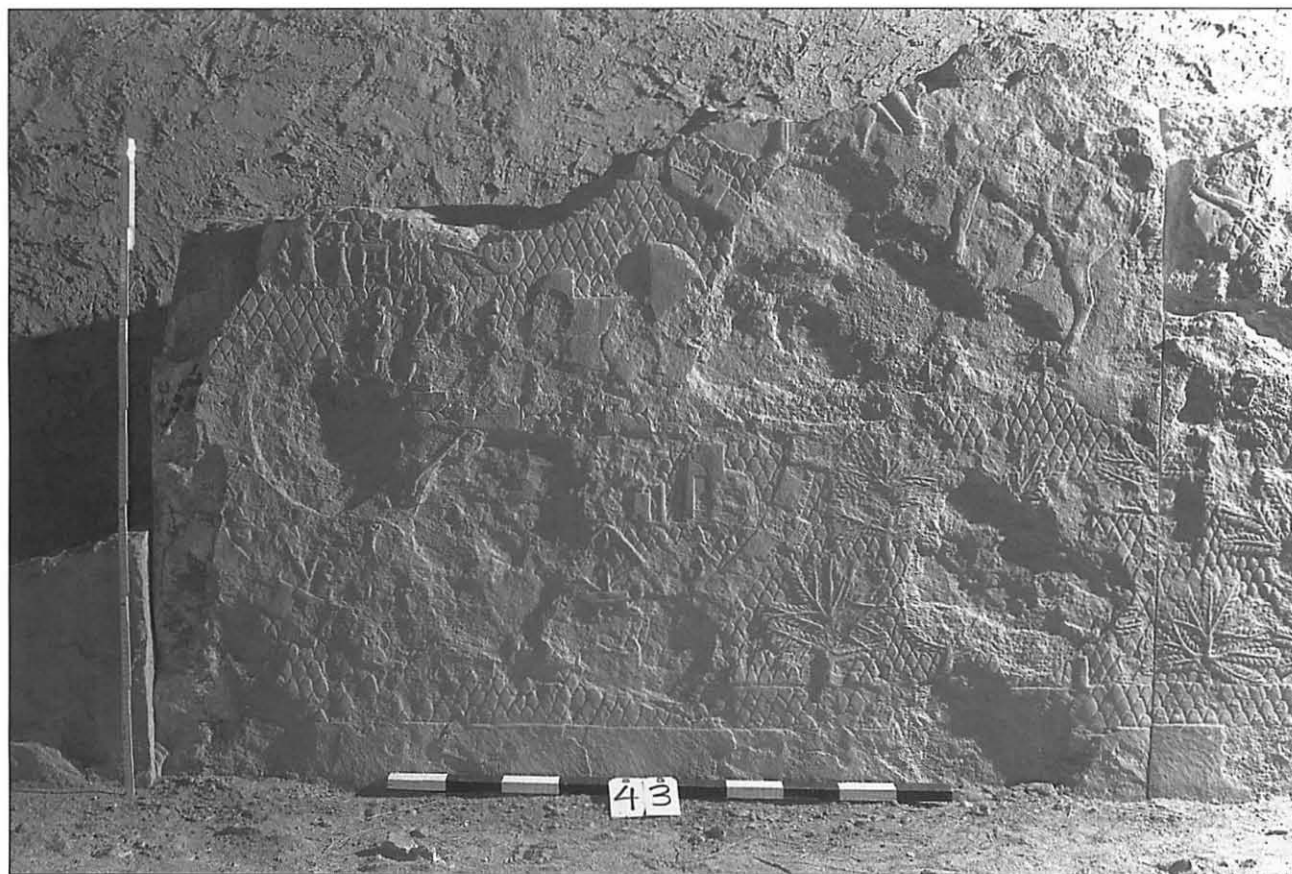


Figure 4. *Nineveh, Southwest Palace, Room V, Slab 43, full slab, width 180 cm. (Photo: author.)*



Figure 5. *Looted fragment, Nineveh, Southwest Palace, Room V, Slab 43, cult scene. (From a photocopy.)*



Figure 6. *Looted fragment, Nineveh, Southwest Palace, Room XLIX, labourers hauling a heavy object. (Photo: author.)*

room (Fig. 4). As can now clearly be seen from the new photograph, the context of this scene is Sennacherib's military camp on one of his campaigns in a mountainous region. The heretofore unpublished slabs to either side show further events from this campaign, thereby placing this small detail within its larger visual narrative context.

The necessity of documenting the site

became devastatingly clear in 1995, when I was shown a photograph of an Assyrian relief fragment for sale on the antiquities market (Fig. 5). There is no doubt that it came from this same slab, which was intact in the Nineveh site museum in 1990, but which had since evidently been broken up by looters. Soon thereafter, I was shown photographs of two more fragments that



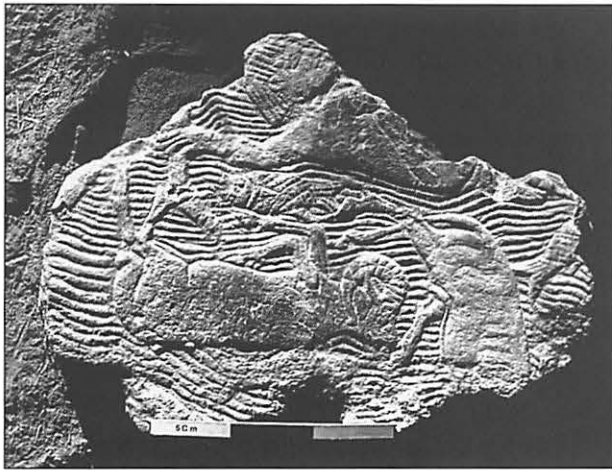


Figure 7. Looted fragment, Nineveh, Southwest Palace, West Façade (?), two dead sheep and a dead human in the water. (Photo: author.)

had been in storage at Nineveh in 1990, but which were also on the market. One (Fig. 6) shows labourers towing a load toward the right, from Hall XLIX of Sennacherib's palace (Russell 1991, fig. 86). The other (Fig. 7), which is more unusual, shows two dead sheep and a dead man floating in water. I know of no occurrence of domestic livestock shown this way, other than a fragment that shows a dead buffalo in the water, which was found by George Smith (1875, 148) at the west end of the palace. Both of these fragments may have belonged to the campaign 'to the Persian Gulf' that Thompson & Hutchinson (1929, 61) said embellished the west façade of the palace.

These fragments would be poor investments. Since they are documented as belonging to a museum in Iraq and have no export permits, Iraq would have clear legal grounds to reclaim them from any purchaser. Furthermore, possession of these fragments is a violation of the United Nation sanctions against Iraq, which means that they could be confiscated by customs authorities. It proved impossible to determine who was offering these three fragments for sale, or where they were being kept, so I published a note in *International Fine Art Reports (IFAR)* (May 1996) to alert prospective buyers that these sculptures had come from the site museum at Nineveh. The value of such publicity was confirmed when a London solicitor wrote to me, stating that his client, a London collector, had purchased the fragment showing labourers towing a sledge from an antiquities dealer in Belgium. He had then applied for a British export license, only to be



Figure 8. Looted fragment, Nineveh, Ishtar temple (?), fragment of Assurnasirpal II lion hunt, 25 x 18 cm. (Photo: author.)

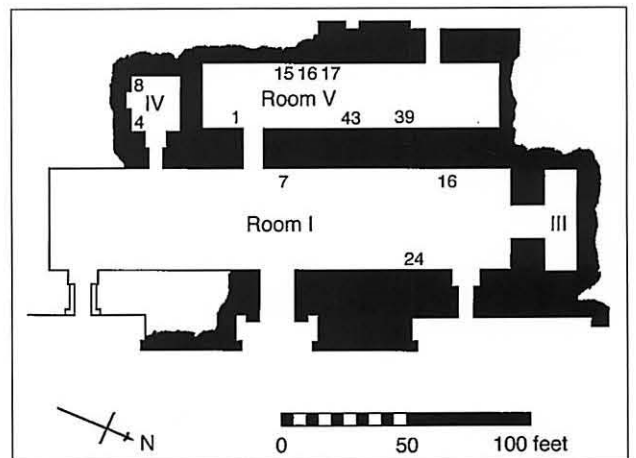


Figure 9. Nineveh, Southwest Palace, plan. (Photo: author.)

informed that the piece was among the ones published in the *IFAR* article. Discussions about the disposition of this piece are currently underway, but the solicitor assured me that if it proves to have been stolen, his client will return it to its true owner.

I was concerned that more looted Assyrian sculptures would appear on the market, but saw no further examples for more than a year. In



November 1996, I was contacted by a New York lawyer acting on behalf of a prospective purchaser



Figure 10. Nineveh, Southwest Palace, Room V, Slab 1, view of full slab before looting, width 121 cm. (Photo: author.)



Figure 11. Nineveh, Southwest Palace, Room V, Slab 1, detail. (Photo: author.)

who had photographs of ten more Assyrian sculptures that were said to be on the market. The lawyer wanted to know if the sculptures were being sold legitimately. They were not. One of the fragments was from a lion hunt relief sculpture of Assurnasirpal II. This fragment was found along with a number of others by Thompson in the vicinity of the Nabu temple at Nineveh, but according to its inscription it originally belonged to the Ishtar temple (Thompson & Hutchinson 1929, pl. 7). I had photographed it at Nineveh in 1989 (Fig. 8). The other nine were further fragments of wall relief from the Sennacherib Palace Site Museum (Fig. 9). At least three of the relief slabs from which these fragments were broken have been published *in situ* in the site museum, slab 1:7 by Russell (1991, fig. 28), and slabs 1:24 and V:1 (Figs. 10–12) by Madhloom (1976, pls. 32 & 33a), the excavator of the palace.

Each fragment came from a different slab, and most of them had been broken from the middle of a slab, suggesting that the looters destroyed whole slabs to extract the best-preserved bits. In cases where the surrounding surface was not well



Figure 12. Looted fragment, Nineveh, Southwest Palace, Room V, Slab 1, Assyrian archer marching to battle, 26 x 16 cm. (From a photocopy.)



preserved, these parts were broken away to create a well-preserved fragment, as on slabs V:15 and V:39. A similar case is a fragment, IV:4 (Figs. 13–15), that shows small figures behind a city wall. The large figures directly above the city were completely broken away, evidently so that their large scale would not distract from the interest of the miniature scene below.

In several cases (I:24, V:1, V:39) fragments were squared off to give the impression that these are complete, self-contained compositions. All of the fragments were mounted vertically on bases, in some cases without respect to the sculpture's original orientation. Fragment V:1 was squared off diagonally and then mounted vertically, so that the figure now seems to be falling forward, quite unlike its original position on the slab. Whoever mounted the fragments knew so little about Assyrian art that they did not realize that a lozenge pattern in the background, which represents mountains, is always oriented vertically. Fragment V:17, which shows a cowering crouching figure, is mounted so that the man is oriented as if standing, with the result that the mountain pattern angles to the left. Fragments V:39 and T:16 are also tilted. The most dramatic example of



Figure 13. *Nineveh, Southwest Palace, Room IV, Slab 4, view of full slab before looting, width 78 cm. (Photo: author.)*



Figure 14. *Nineveh, Southwest Palace, Room IV, Slab 4, detail. (Photo: author.)*



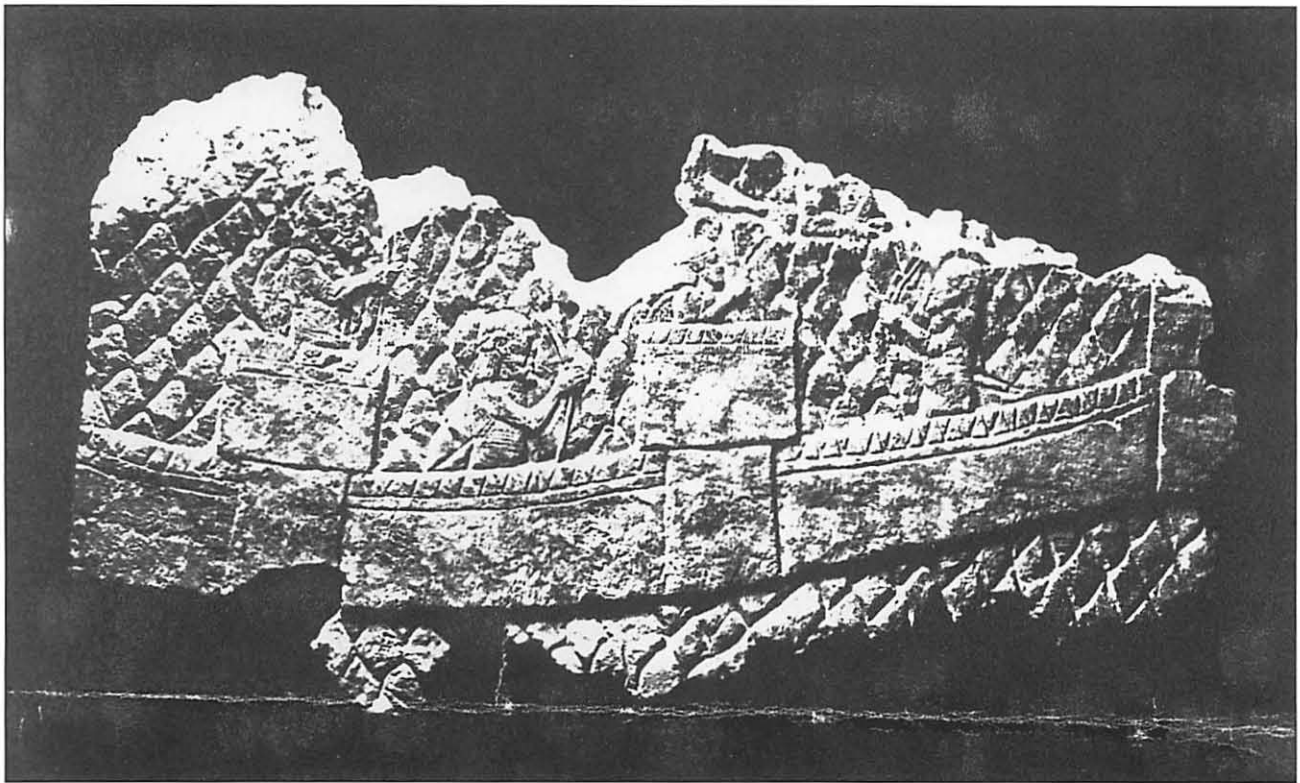


Figure 15. Looted fragment, Nineveh, Southwest Palace, Room IV, Slab 4, archers in a walled city, 71 x 40 cm. (From a photocopy.)

this is fragment V:16 (Figs. 16–18), which showed a pair of archers shooting toward a city on top of a mountain. The piece was mounted so that the archers shoot horizontally, with the mountain pattern almost horizontal behind them.

All of these examples of trimming and reorienting show how important context is in understanding the significance of each fragment, and how much crucial information is lost in the breaking up of a sculptured slab into fragments for the antiquities market. Not only is a unique cultural artefact destroyed, but even the fragments that remain are reduced to incomprehensible ciphers, the meaning of which is lost with the destruction of the full composition. I also published these fragments in *IFAR* (December 1996). All of these fragments are illustrated in *Minerva* (May/June 1997) as well as on the *Archaeology* magazine web site (<http://www.archaeology.org/online>). In May 1997, I saw dealer photographs of two more Sennacherib fragments, which turned out to be the two halves of Slab 8 from Room IV. The lower part of this corner slab was intact when I photographed it at Nineveh in 1990 (Fig. 19), but the piece has since been broken in half, presumably to facilitate smuggling it out of Iraq. This continuing stream of dealers' photographs of

documented Sennacherib reliefs suggests that by now the only place where Sennacherib reliefs are in short supply is in the palace museum itself.

Nineveh is not the only Assyrian site that has suffered. In fall 1996, a London antiquities dealer was circulating a photograph that showed an unusual unpublished sculpture from the palace of king Tiglath-pileser III at Nimrud, Iraq (Fig. 20). This large fragment shows two Assyrian courtiers facing left, and apparently joins to a smaller fragment in the Louvre that shows the king facing right towards them (Barnett & Falkner 1962, pl. 22). Further investigation revealed that the new piece had been excavated and photographed by the Polish archaeological expedition at Nimrud in 1975. The sculpture has not yet been published, due to the untimely death of the excavator in 1976, but a photograph of it was shown at a major scholarly meeting, the *Rencontre Assyriologique Internationale*, in Berlin in 1978. After its excavation, the sculpture was stored in the Iraq Antiquities Department house on the site of Nimrud, Iraq. There was no record that it had left Iraq legally, but here it was on the market.

In May 1997, I saw a dealer's photograph of another Tiglath-pileser fragment, showing an



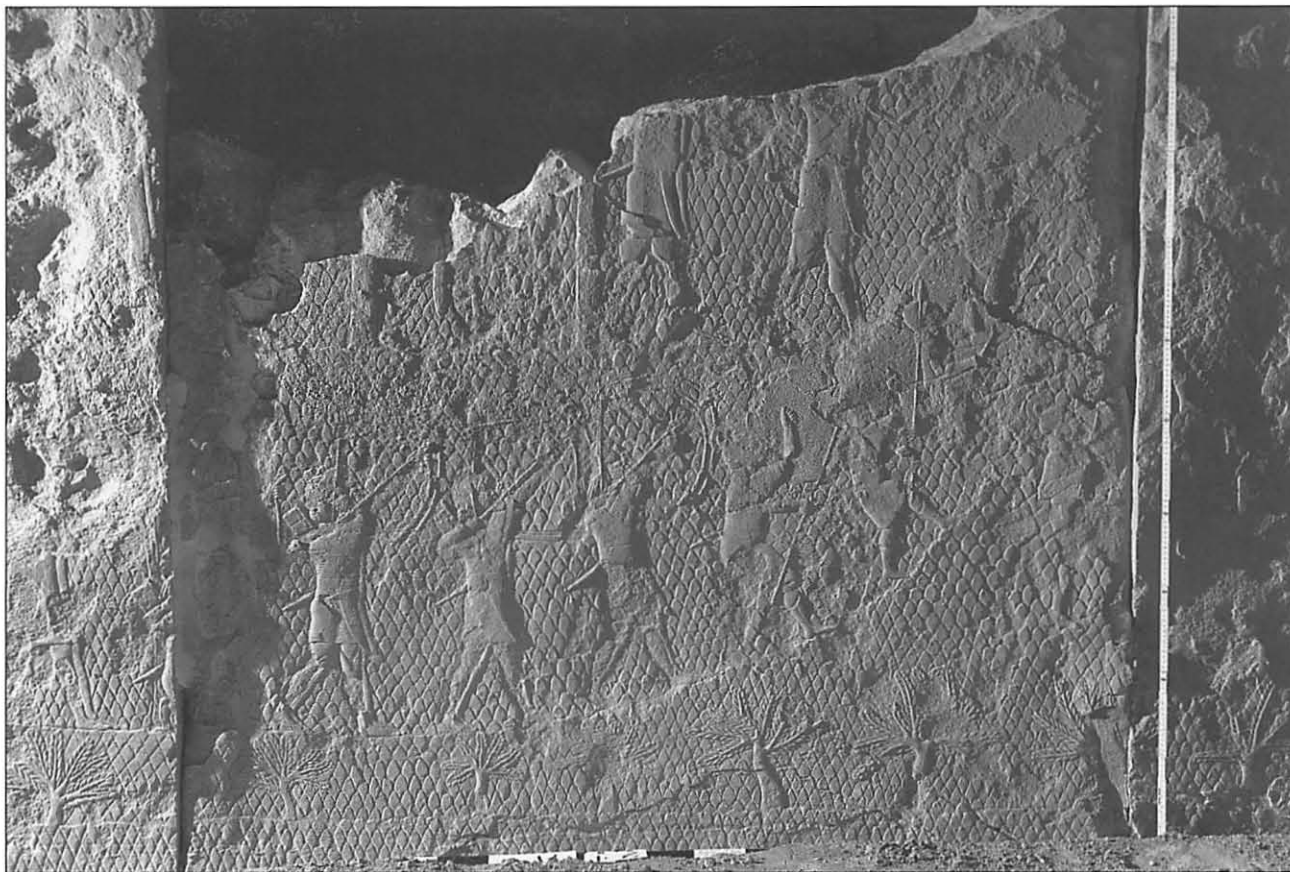


Figure 16. *Nineveh, Southwest Palace, Room V, Slab 16, view of full slab before looting, width 187 cm. (Photo: author.)*



Figure 17. *Nineveh, Southwest Palace, Room V, Slab 16, detail. (Photo: author.)*



Figure 18. *Looted fragment, Nineveh, Southwest Palace, Room V, Slab 16, a pair of archers drawing their bows, 30 x 17.5 cm. (From a photocopy.)*



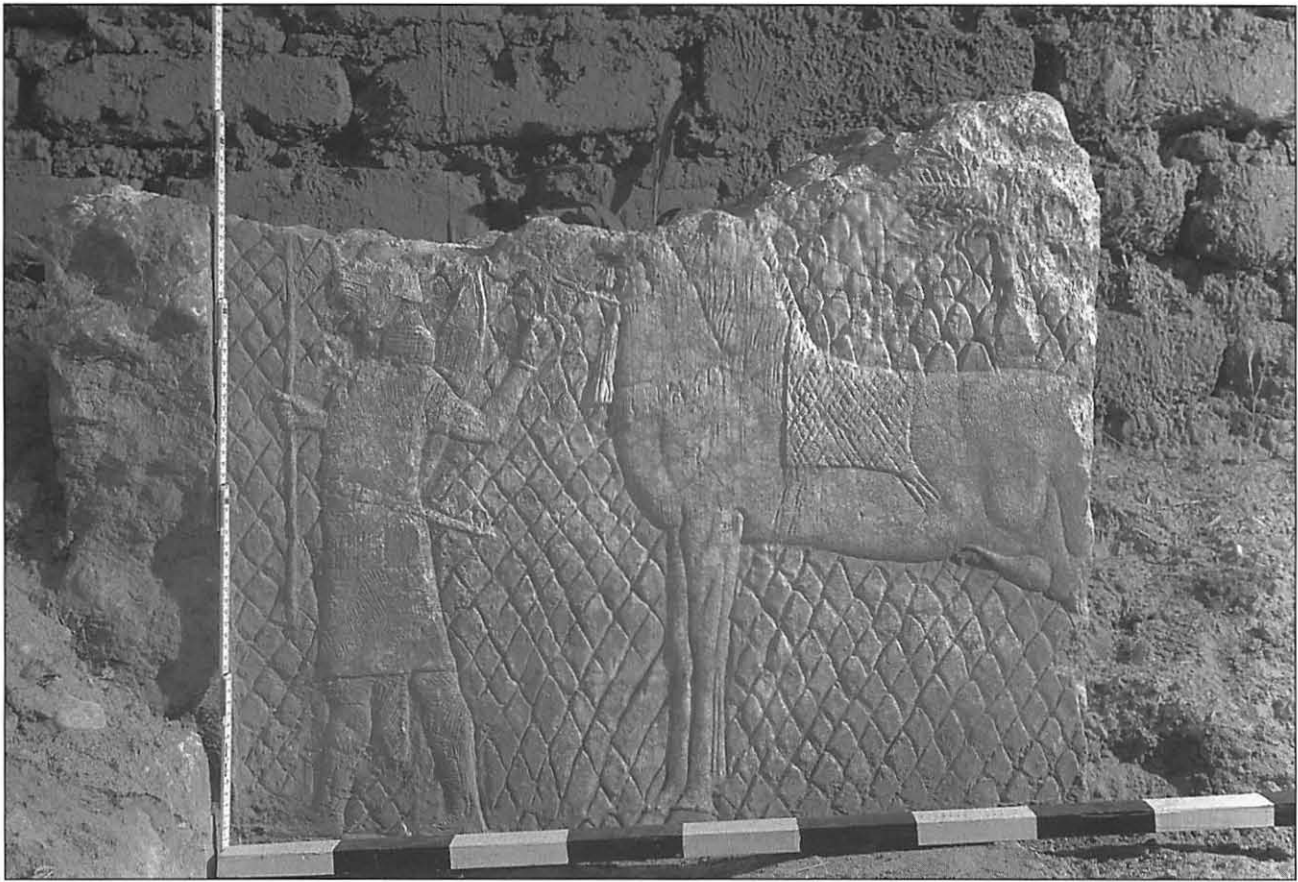


Figure 19. *Nineveh, Southwest Palace, Room IV, Slab 8, view of full slab before looting, width 76 cm. (Photo: author.)*

Assyrian soldier in a chariot facing left (Fig. 21). The slab from which it came had been excavated, drawn, and reburied by Layard (Barnett & Falkner 1962, pl. 9), and then re-excavated and published by the Polish expedition (Fig. 22). Unfortunately, the piece on the market was only the left half of the slab — as with the Sennacherib examples, this large, well-preserved slab had been broken up, presumably for greater portability or to disguise its resemblance to the published photograph. Certainly anyone who desires to purchase a recently-smuggled piece of an Assyrian palace should have no difficulty locating one. And such high-profile documented Assyrian sculptures are only the tip of the iceberg. Thousands of smaller antiquities, especially cuneiform clay tablets and stone cylinder seals, have left Iraq illegally in the years since the Gulf War. One collector observed that in the last few years there has been a tremendous increase in the quality, as well as quantity, of Iraqi antiquities on the market.

Why is this happening now? Iraq has a rich and varied heritage, and this heritage has been coveted by the West since the nineteenth-century heyday of imperial acquisition. Then, ‘like the

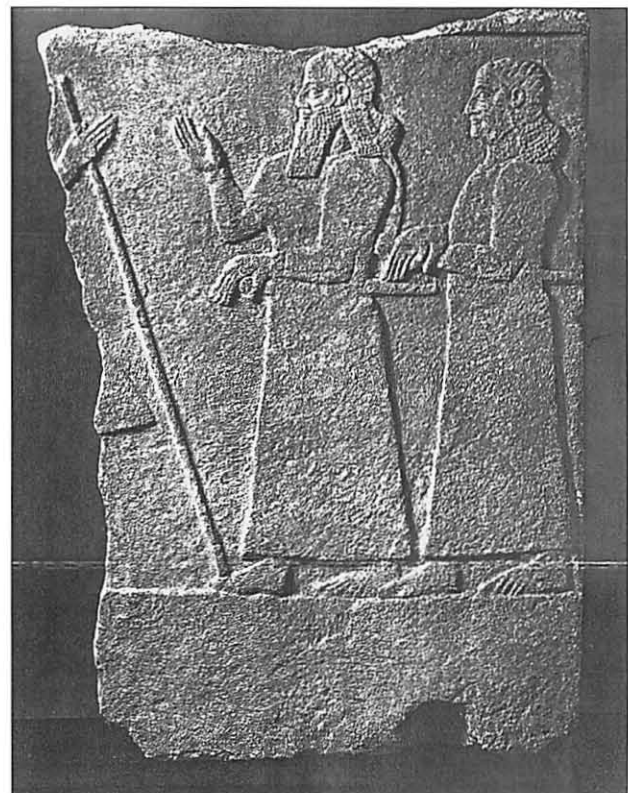


Figure 20. *Looted fragment, Nimrud, Palace of Tiglath-pileser III, courtiers facing the king. (From a photocopy.)*

wolf on the fold’, representatives of European governments descended on the palaces of Meso-





Figure 21. Looted fragment, Nimrud, Palace of Tiglath-pileser III, Assyrian chariot facing left. (From a photocopy.)

potamia and sacked them to fill the halls of the British Museum, the Louvre, and the Berlin Museum. Numerous sculptured slabs found their way into smaller collections in England and America as well. The most spectacular of these was a group of 26 Assyrian sculptures, including two human-headed lion and bull colossi, which were presented by Layard to his cousin, Lady Charlotte Guest, a distinguished scholar of Welsh literature, mother of ten, and wife of one of the wealthiest industrialists in England. She displayed them at her home, Canford Manor in Dorset, in the Nineveh Porch, a Gothic Revival garden pavilion built especially for them by Charles Barry, the architect of the Houses of Parliament. The bulk of this collection is now in the Metropolitan Museum of Art in New York. Their story is told in my new book, *From Nineveh to New York: the Strange Story of the Assyrian Reliefs in the Metropolitan Museum and the Hidden Masterpiece at Canford School* (Yale

University Press, 1997).

Today Assyria is in fashion again, and its sculptures are bringing unprecedented prices. In 1992, while doing research for the new book, I discovered an original sculpture still in place in the Nineveh Porch at Canford, now Canford School. In 1994 this sculpture was sold by the school at auction for £7.7 million, by far the highest price ever paid for an antiquity. To protect and promote its irreplaceable heritage in the face of such powerful market forces, modern Iraq has an excellent antiquities department, and the people of Iraq have a very high level of pride in their national heritage. Before the Gulf War, very few antiquities left Iraq, because every Iraqi carefully guarded that heritage. This attitude is essential for a country that possesses hundreds of major archaeological sites and tens of thousands of smaller ones. Even in the best of times, it would be impossible to guard all these sites without the co-operation of the Iraqi people.





Figure 22. Nimrud, Palace of Tiglath-pileser III, chariot followed by two soldiers, with a tree and archer at right. (After Sobolewski 1982, fig. 12.)

The United Nations sanctions against Iraq have caused unprecedented perils for Iraq's heritage while forbidding any form of outside assistance within the borders of Iraq in heritage matters. Because of the sanctions, little money is available in Iraq for the preservation of antiquities, at the same time that newly impoverished Iraqis, squeezed between ruinous inflation and critical shortages of basic necessities, have been forced to seek new sources of subsistence income. For antiquities and heritage, the combination of local desperation and international demand is a recipe for disaster. Some Iraqis with nothing left to sell have evidently turned to selling off bits of Iraq's rich heritage. These relatively small fragments would be easy to conceal and smuggle out of Iraq, most likely through the Kurdish territory only a few miles to the north of Mosul, but also through Iran, Turkey, Syria, Jordan, or Saudi Arabia. They are then apparently warehoused until a buyer can be located.

There is no evidence that Iraqi officials are involved in these thefts. Instead, this appears to be disorganized pilfering, probably carried out by

impoverished locals, and the sculptural fragments are very likely sold for a pittance, since such well-known pieces have no value on the international market. 'Like the wolf on the fold', the United Nations sanctions against Iraq have finally destroyed Sennacherib's palace, finishing the work begun by the ancient Medes and Babylonians who sacked Nineveh in 612 BC. To be sure, market and political forces are also at work here, but the fact remains that without the sanctions, this destruction would not have happened.

The Iraq Department of Antiquities and Heritage has responded by actively trying to staunch the flow of antiquities out of the country, but has been severely constrained by a limited budget, its inability to import photographic supplies (forbidden by the sanctions) or outside technical and scholarly expertise, and by the absence of international co-operation. Inside Iraq, the department is reportedly spending large sums — \$500,000 in 1996 — in a successful campaign of paying rewards to Iraqis who turn in stolen antiquities. This diligence is paying off. Early this year, the head of a colossal sculpture at Khorsabad



was hacked from its body. A few months later the head was recovered still in Iraq, cut into 11 pieces to facilitate smuggling. Some 40,000 artefacts have reportedly been recovered in Iraq, but thousands more have left the country.

The Iraq Antiquities Department has much less influence outside Iraq. This was highlighted by a recent case where British customs officials seized a number of boxes of antiquities apparently looted from archaeological sites in Iraq. Though British experts confirmed the Iraqi origin of the pieces, the court returned them to the shipper, despite the U.N. sanctions' prohibition on imports from Iraq, and regardless of the provisions of the 1970 UNESCO *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* and the 1995 UNIDROIT *Convention on Stolen or Illegally Exported Cultural Objects*, both of which provide for the repatriation of looted cultural property. It appears that to avoid such reversals in the future, Iraq will need to hire a lawyer who is a match for the ones working for the market.

Foreign specialists are anxious to collaborate with Iraqi colleagues in the protection and preservation of Iraq's heritage, but because of the sanctions, opportunities are limited. Before the Gulf War, the British School of Archaeology in Iraq maintained a beautiful expedition house in Baghdad. Many archaeologists, both British and foreign, enjoyed the warm hospitality, great food, and excellent library of this residential facility. Following the imposition of the U.N. sanctions in 1990, all foreign archaeological fieldwork in Iraq ceased. British School officers were allowed to make brief visits to Iraq to check on the house in 1992, but in 1993 the British Academy and Foreign Office issued a firm recommendation against further official visits by School members. In 1995, the library was moved out of the expedition house, which was deteriorating alarmingly due to termites, and in 1996 the house was permanently abandoned.

The Americans had a similarly discouraging experience. In early 1990, the newly-founded American Association for Research in Iraq was preparing to establish its own residential facility in Baghdad, which would have been the first long-term American research presence in Iraq. A

residence and director had already been selected when these plans were terminated by the sanctions. Going well beyond the restrictions of the sanctions, the American government prohibits even private visits by its citizens to Iraq. The American and British organizations, prevented from working in Iraq, began publishing *Lost Heritage*, a continuing series of fascicles that publish photographs and descriptions of the 4000 objects looted from Iraq's regional museums during the uprisings following the Gulf War. To date, three volumes have appeared in the series.

Today the Sennacherib Palace site museum at Nineveh represents a world heritage disaster of the first magnitude. Immediate emergency conservation measures are required to preserve what remains of its sculptures. One might think that international support for such a crucial undertaking could be readily obtained, but the obstacles appear insurmountable. The same United Nations sanctions that have contributed to the destruction of the palace museum also prohibit any form of outside cultural assistance to Iraq. Though the U.N. Sanctions Committee treats humanitarian assistance as an exception to the sanctions, no such exception has been allowed for the preservation of heritage. International teams from cultural organizations such as UNESCO have repeatedly been denied permission by the Sanctions Committee to assess damage and threats to the cultural heritage of Iraq in the wake of the Gulf War, despite the urgent need for documentation and conservation of Iraqi heritage due to wartime damage, post-war looting, and emergency agricultural development. This hostility reflects a widespread perception in the West that modern Iraq has no significant heritage, even though the West claims ancient Iraq, the 'Cradle of Civilization', as the foundation of its own heritage. This heritage disaster also highlights the role of the West as a myopic consumer of heritage, rather than cherishing it as a vanishing irreplaceable shared resource.

A giant step forward would be for the U.S. government and the U.N. Sanctions Committee to treat threats to cultural heritage as a humanitarian issue. Only with their permission can outside specialists participate in on-site assessments of damage, or collaborate in necessary conservation and preservation measures. The



1954 Hague *Convention for the Protection of Cultural Property in the Event of Armed Conflict*, and the 1970 UNESCO and 1995 Unidroit conventions are a good beginning, but the existing conventions make no provision for the protection of heritage against the effects of economic warfare, even though in the case of Iraq, the isolation and impoverishment wrought by prolonged trade sanctions and travel restrictions has led to far greater devastation of heritage than the armed conflict did. Today, the sanctions hold heritage hostage to a political agenda, facilitating its exploitation by outside market forces.

The present location of most of the looted Assyrian fragments is unknown. Anyone who is offered them for purchase is requested to notify the seller that the sculptures were removed illegally from Iraq, and to ask the seller to turn them over to an Iraqi embassy or interests section, Interpol, or to a customs agency, so that they may be returned to Iraq. Potential buyers of Assyrian sculptures should be aware that very few such pieces appear legitimately on the market, and that many more fragments may have been smuggled out of Iraq. Any Assyrian relief fragment should be treated with great caution.

Charles E. Jones has provided the following publication information for the first three fascicles of *Lost Heritage*, which are available, for a limited period, free of charge, by writing to the publisher of each fascicle:

Gibson, M. & A. McMahon, 1992. *Lost Heritage: Antiquities Stolen from Iraq's Regional Museums*, fascicle I. Chicago (IL): American Association for Research in Baghdad. 1 volume (xii + 54 pages [illustrated]).  
available from: American Association for Research in Baghdad, 1155 East 58th St, Chicago IL 60637, USA.

Baker, H.D., R.J. Matthews, J.N. Postgate, 1993. *Lost Heritage: Antiquities Stolen from Iraq's Regional Museums*, fascicle 2. London: British School of Archaeology in Iraq. 1 volume (viii + 153 pages [illustrated]). ISBN: 0-903472-14-7.  
available from: The British School of Archaeology in Iraq, 30-31 Gordon Square, London WC1H 0PY, UK.

Fujii, H. & K. Oguchi, 1996. *Lost Heritage: Antiquities Stolen from Iraq's Regional Museums*, fascicle 3. Tokyo: Institute for Cultural Studies of Ancient Iraq, Kokushikan University. 1 volume (xxi + 43 pages [illustrated]).

available from: Hideo Fujii, The Institute for Cultural Studies of Ancient Iraq, Kokushikan University, 844 Hirohakama, Machida, Tokyo, 195 JAPAN.

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- Jones, C.E., 1996. Stolen Iraqi antiquities, Oriental Institute ANEnews web site, 31 December 1996, archived at [www-oi.uchicago.edu/OI/ANE/ANENEWS-DIGEST/1996/v.1996.n015](http://www-oi.uchicago.edu/OI/ANE/ANENEWS-DIGEST/1996/v.1996.n015).
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## Returned antiquities: a case for changing legislation

ERICA C.D. HUNTER

**T**he embargo which was imposed on Iraq following the termination of the Gulf War in 1991 has had far-reaching consequences on the archaeology of Iraq. Prior to the Gulf War, a black-market trade in antiquities was almost unheard of. Now the situation has made a complete turn-about. Countless clandestine excavations are in force, and there are substantiated reports of museums and libraries, as well as monasteries, being looted of their contents. These disturbing events point to the activities of an international 'mafia', well organized and with a network of connections both within and without Iraq that extends to London and other European cities.

Antiquities, whose only provenance can be Iraq, are known to have arrived in London, often in transit to Switzerland and New York among other destinations. In this trade, London has a central and pivotal importance, being the place where consultations and valuations are made, often by members of the scholarly community. It is not surprising or unusual to find a whole range of antiquities in many dealer's shops in Portobello Road and Davies Mews near Bond Street. Other antiquities never appear 'on the market', but are commissioned by wealthy patrons who specify particular pieces and are willing to pay exorbitant amounts to procure them. It is possible that the famous Bacchus relief, designated a world heritage by the World Heritage Convention, which was stolen from Hatra in 1994 was removed 'to order'.

Heathrow Airport is the entry point for many antiquities. In late 1994, careful surveillance by H.M. Dept. of Customs and Excise led to four boxes being apprehended, apparently due to an irregularity in labelling. When opened, this consignment included cuneiform tablets, terracotta figurines, carinated plainware pottery and incantation bowls. The physical characteristics of the seventeen incantation bowls are typical of the genre, as are the decorative attributes,

palaeography and texts. Four of them were written in Mandaic, and eight in Aramaic with the remaining five being in 'pseudo-script'. This breakdown of script suggests that the specimens come from a single location within Mesopotamia, where all substantiated sites for incantation bowls have, to date, been located.

H.M. Dept. of Customs and Excise planned to prosecute the Jordanian woman to whom the boxes were addressed. In response to their request, I examined the incantation bowls and prepared a detailed report in early 1995 and on two later occasions I was asked to furnish statements about the incantation bowls. In late 1996, when I had heard no further news I telephoned the investigating officer who informed me that the four boxes had to be returned to the importer because of loopholes in the legislation, The Jordanian woman, the daughter of a well-known antiquities dealer, had refused to accept the boxes, which had at that stage been impounded, and because she did not accept them prosecution could not proceed. The legal issue is concerned with people trading in goods, not goods *per se*. It is not sufficient that the consignment was illegal, someone had to claim it.

The U.K. legislation governing the importation of goods from Iraq is based on the Statutory Instruments of the U.N. Sanctions Orders on Iraq and Kuwait (nos. 1768, 2144) which are ratified by Parliament. The root of the problem does not lie, however, with the Statutory Instruments but rather with The United Nations Sanctions Orders on Iraq and Kuwait. One of the first tasks confronting scholars concerned about illegal antiquities from Iraq should be effecting changes in the U.N. Sanctions laws to close this loophole. This has been done in the subsequent legislation which was drawn up in response to the Bosnian situation. An international body of scholars should continue to petition for changes to the Sanctions Orders on Iraq and Kuwait, for only when this has been achieved can the Statutory Instruments be amended.

Legislative changes would not stem the haemorrhaging of antiquities from Iraq, but at least it would allow illicit goods to be seized upon their arrival in the U.K. and not just returned as happened, but returned to their rightful owners. The situation described above is only a single



instance where an illegal consignment was apprehended. How many others have not been detected is anybody's guess, as is the whereabouts of the incantation bowls, and the rest of the material which were given back to the Jordanian woman. Perhaps they will one day surface in the collection of a museum where, under the guise of legitimate ownership, they will be published by renowned scholars to the accolades of their colleagues. More probably, by now these antiquities are part of the holdings of private collectors where their contribution to scholarship

will be, almost certainly, lost.

Any persons interested in setting up a committee to petition for changes to the Sanctions Orders on Iraq and Kuwait should contact the author.

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## Short notes

The problem of the illegal antiquities trade with respect to Iraq is two-fold. In the first instance there are items excavated prior to the Gulf War which were stored or displayed in the regional museums; some of these museums were looted in the aftermath of the war and objects from them occasionally appear on the antiquities market. In the second instance, there are items which have probably been illegally excavated since the Gulf War and which are now appearing on the market. There is unfortunately little we can do about this latter category of items, since proof of prior ownership by Iraq is elusive and would be based on art historical analysis (or internal textual evidence in the case of tablets) and on the absence of evidence for legitimate ownership, none of which are convincing in the context of legal proceedings. For those items for which there are Iraq Museum accession numbers and independent excavation records, the situation is theoretically simple. The three fascicles of *Lost Heritage* give lists, descriptions, and some illustrations of all the objects which were known to have been looted from Iraq's regional museums at the end of 1991; but recovery is regrettably hampered by admittedly poor-quality photographs and gaps in documentation. Only a few items have been successfully identified and recovered using those volumes, and there is disturbing evidence that the lists in those volumes are incomplete.

Confirmation of this problem comes from the sighting in London of a Neo-Assyrian cuneiform tablet excavated by Sir Max Mallowan in 1956 from the site of Balawat, in northern Iraq. This tablet (excavation number BT 125) had been in the possession of the Iraq Museum and was published by Barbara Parker in the journal *Iraq* 25 (1963), 97–8 and pl. XXV. Another tablet seen on the same occasion has been tentatively identified as coming from Tell al-Fakhar, a site in northeastern Iraq. It is also very likely to have been stolen from one of the regional museums in Iraq.

In a separate incident, a basalt door- or gate-socket was offered to the Merrin Gallery in New York, which wisely made inquiries of the British Museum as to the legitimacy of the object's ownership. The door-socket dates to the Isin-Larsa Period and has a two-column inscription of Shulishu, second king of the Isin dynasty; it is one of a pair excavated by Sir Leonard Woolley at Ur in the 1922–23 season (excavation number U. 421 and Iraq Museum accession number IM 373) and was published by C.J. Gadd and L. Legrain in *Ur Excavation Texts*, vol. I (1928, British Museum & The University Museum of Pennsylvania), no. 100, pl. N. The size and weight of this piece, which is approximately half a metre across by 22 cm thick, indicate that it must have been shipped to the US as freight, rather than hand-carried, and moved undetected through customs.



There has also been a report from Dr Muayad Damerji, the Director General of Antiquities and Heritage in Iraq, that the head of a recently-excavated human-headed bull from the palace at Khorsabad, which had been left *in situ*, was broken off and stolen. Its size and easy recognizability would make it difficult to sell on the open market and it is likely that it was stolen 'to order'. Fortunately, it has been found (in a garden in Mosul); but in the course of its removal it had apparently cracked into two pieces, and then it was further sawn and chiselled into a total of eleven pieces for easier transport and concealment. It is now in the Iraq Museum in Baghdad awaiting restoration. An unknown number of relief heads from the site of Hatra have also been stolen, with the result that many of the sculptures remaining *in situ* have been plastered over or hidden behind temporary walls in the effort to preserve them.

The Department of Antiquities and Heritage in Iraq is gradually achieving increased success in encouraging individuals who find antiquities to bring them to the Iraq Museum rather than selling or exporting them. A system of rewards has been put in place by the government; and the site of Tell an-Namil, where the Antiquities Department is currently conducting excavations, was brought to their attention by an individual bringing in pottery uncovered in the course of agricultural work. It should be noted that one of the effects of the economic embargo on Iraq has been a necessary increase in the area of land brought under cultivation, with the inevitable result that more sites are being encountered and damaged by ploughing and irrigation, and more undocumented artefacts are being uncovered. The so-called 'Third River', a deep drainage channel between the Tigris and Euphrates,

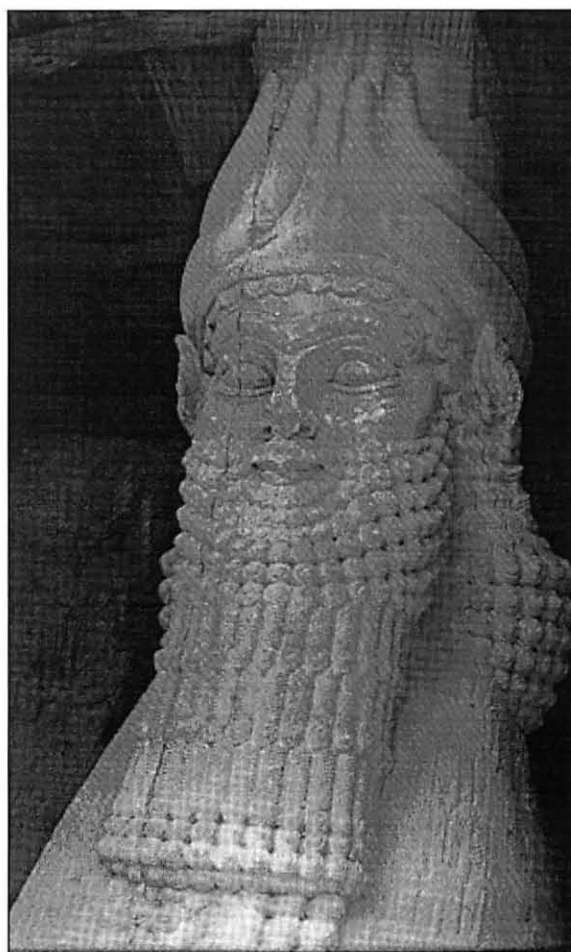


Figure 1. Human-headed bull from Khorsabad, before theft.

which was engineered to remove brackish water resulting from irrigation in northern Babylonia and to expel it into marshes near the Gulf, is apparently now being used, *contra* its original intention, for irrigation of new fields which have expanded into the formerly dune-covered centre of the country. When the channel was dug in 1989 and 1990, it revealed a number of completely buried and hitherto unknown single-period sites, and these and other already-registered sites in this area are now under severe threat of destruction as more farmers move into the area.



# Illicit Antiquities Research Centre

## Statement of Intent

The Illicit Antiquities Research Centre has been established in response to concerns expressed about the loss to our knowledge of the past caused by the illicit excavation of archaeological sites. It intends to:

1. Raise public awareness in Britain and internationally about this issue and seek appropriate national and international legislation, codes of conduct and other conventions to place restraint upon it;
2. Monitor the sale and transfer of illicit antiquities within the UK and raise public awareness of the scale of such sale and transfer overseas;
3. Develop an overview of the national and international legislation bearing on these issues;
4. Argue, as a provisional measure, for the widespread adoption of the central tenet of the 1970 UNESCO convention on the illicit transfer of cultural property, that unprovenanced artefacts which cannot be shown to have been known and published prior to 1970 should be regarded as illicit and should not be acquired by public collections whether by purchase, gift or bequest nor exhibited by them on long- or short-term loan and should not be purchased by responsible private collectors. It should be recognized, however, that local or national museums may on occasion be the appropriate repository for such unprovenanced objects as can be shown with reasonable confidence to have originated within the territory of their responsibility.
5. Seek agreement among national organizations and museums in the UK on the appropriate policy for such bodies to adopt on the acquisition, display and publication of unprovenanced artefacts;
6. Seek to cooperate with dealers and auction houses in furthering the evolution towards the understanding of such issues and the adherence to appropriate practices;
7. Work with the Council for British Archaeology and other British bodies to encourage the application of appropriate principles to portable antiquities originating within the United Kingdom;
8. Investigate and make known illicit activities relating to antiquities in the Near East, Egypt and Asia Minor and to publish such information in the periodical *Culture without Context*;
9. Select such other geographical areas for comparable investigation and publication as may be practicable;
10. Establish working relationships with data-search organizations relating to stolen antiquities (i.e. antiquities which formed part of a recognized collection from which they were stolen) as well as illicitly excavated antiquities which have not, so far as is known, been recognized as forming part of a public collection or a major and well documented private collection;
11. Promote educational measures which will stimulate and develop respect for the archaeological heritage of all nations.

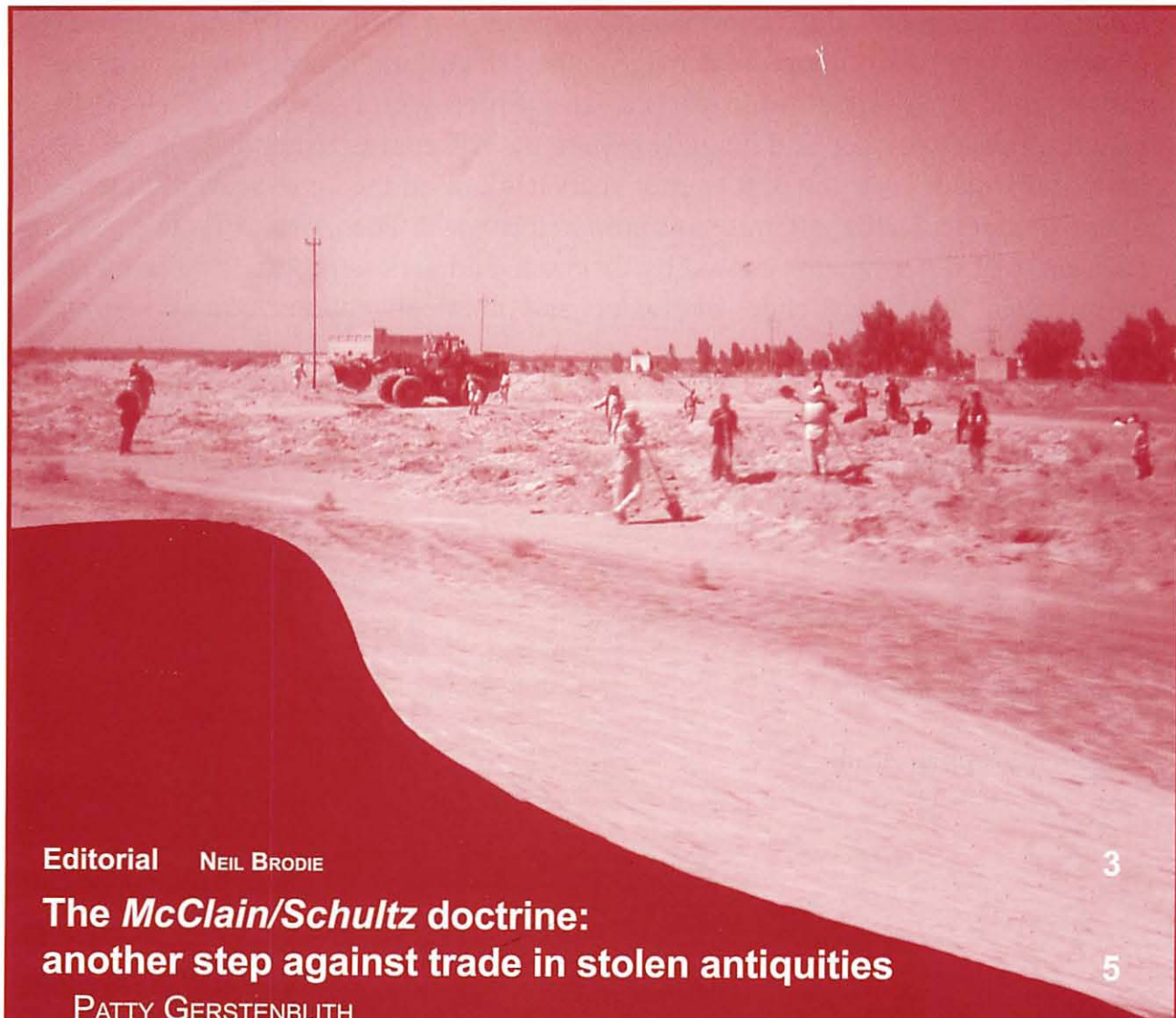


# Culture Without Context



The Newsletter of the Illicit Antiquities Research Centre

Issue 13, Autumn 2003



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The Illicit Antiquities Research Centre is a project of the McDonald Institute for Archaeological Research.



## Illicit Antiquities Research Centre

The Illicit Antiquities Research Centre (IARC) was established in May 1996, under the auspices of the McDonald Institute for Archaeological Research in Cambridge, England, and it commenced operations in October 1997. Its purpose is to monitor and report upon the damage caused to cultural heritage by the international trade in illicit antiquities (i.e. antiquities which have been stolen or clandestinely excavated and illegally exported). The enormous increase in the volume of this trade over the past twenty years has caused the large-scale plundering of archaeological sites and museums around the world. The IARC will raise public awareness of the problems caused by this trade and seek appropriate national and international legislation, codes of conduct and other conventions to place restraint upon it.

*Culture Without Context* is published twice-yearly. The next issue will appear in spring 2004. Subscription details are available from:

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**Front cover.** *Looting with a bulldozer at al Assaya, Iraq* (Photo: Helen McDonald) (see p. 14).

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Correspondence relating to all aspects of the legal and illegal trade in antiquities is welcome; we will make an effort to print reasonable, non-libellous letters. No unsigned letters will be printed, but names will be withheld upon request.

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Printed by BluePrint, Coldhams Road, Cambridge, UK, CB1 3EW.  
Tel: +44 (0)1223 472400



## Editorial

In December 2003 the Dealing in Cultural Objects (Offences) Act became law in the United Kingdom. It introduces the concept of a 'tainted object', which is defined as a cultural object that has been illegally excavated or removed from a building or monument of historical, architectural or archaeological interest. It is now a criminal offence for a person to acquire or dispose of a cultural object knowing or believing it to be tainted.



Also in December, the UK Parliamentary Select Committee on Culture, Media and Sport published the report of its second enquiry into the illicit trade and restitution of cultural property (*Cultural Objects: Developments Since 2000*),<sup>1</sup> which had been held in order to review progress made by the UK Government in acting upon recommendations made in the Committee's first (2000) report,<sup>2</sup> and also by the Government's own Illicit Trade Advisory Panel (ITAP).<sup>3</sup> While the Select Committee welcomes the ratification of the 1970 UNESCO Convention and the Dealing in Cultural Objects (Offences) Act, it expresses concern over the lack of movement towards instituting a national data base of unlawfully-removed cultural objects.

One obstacle to achieving this goal has been the obvious one of who should pay — the Government or the private sector. Commercial data bases of stolen cultural objects such as the Art Loss Register (ALR) and Trace already exist, but when interviewed by the Select Committee, representatives of the British Art Market Federation (BAMF) stated that a fully-comprehensive commercial data base just isn't a viable proposition. The problem is that small businesses cannot afford to use them. James Ede, speaking on behalf of the BAMF, provided the argument and the figures when he said that

the vast majority of the members of my trade association [International Association of Dealers in Ancient Art<sup>4</sup>] deal in objects that are worth between £1 and £500. It costs £30 to do a check with the ALR. We cannot require our members to check things on that basis. We require them to check anything over £2000.

So, in view of this financial disincentive, the BAMF would like the Government to fund a data base aimed at screening all objects, no matter what their value. But what are these objects, and what form will the data base take? Clearly, some or many of the objects might be illicit antiquities, but a data base of stolen objects is a singularly inappropriate means to intercept such material. Most illegally-excavated objects that appear on the market will not, and indeed cannot, be entered on a data base of stolen objects, almost by definition, as they will not have been previously known or documented, and thus cannot be reported as stolen (unless looters report their activities to the local police, which seems an unlikely turn of events). Indeed, such a data base might exacerbate the problem. James Ede went on to say that a data base 'is not foolproof, but it is cheap and it is effective and it also gives a very clear definition of due diligence — very clear to everybody'. But given the fact that most illegally-excavated objects will not appear on a data base of stolen objects, it is not at all clear how a check on a data base of stolen objects constitutes due diligence when the history of an unprovenanced artefact is being investigated. Indeed, if it is treated as such, it will facilitate the illicit trade.

The problem is that the precise purpose and nature of a database of unlawfully-removed or stolen cultural objects have yet to be established. The ITAP report recommended the institution of a specialist national data base of unlawfully-removed cultural objects, from anywhere in the world. Its primary purpose would be to record objects that have been stolen, illegally excavated or illegally removed from monuments or wrecks. What is important, though, is that ITAP went on to emphasize that these three categories of objects would need to be treated differently. In the case of stolen objects a description and, ideally, a photograph could be recorded. For objects removed illegally from archaeological sites, monuments or wrecks, it was recognized that this would not usually be possible, but no clear guidelines were offered as to what alternative recording procedures might be appropriate. This distinction between stolen objects and illegally-removed objects, however, does not seem to have been picked up by the Select Committee, which regards the terms almost as synonymous.



What is needed for illegally-removed archaeological material is a data base which records descriptions of categories. In other words, it should supply descriptions and images of types of object which are known to be under threat of illegal excavation, or have been in the recent past, and are thought to be circulating on the market. This is the rationale followed by the International Council of Museums in the construction of its Red Lists,<sup>5</sup> and is the basis of the US State Department's International Cultural Property Protection data base.<sup>6</sup> However, a data base that records descriptions of objects under threat will make very little impact on the illicit trade unless: (i) the United Kingdom acts to ban the import of specified categories of threatened material, which is not likely happen; or (ii) professional trade associations adopt ethical codes that forbid the sale of threatened material, which is equally unlikely.

So, if the UK Government is to make a large sum of money available to combat the illicit trade in antiquities, the construction of a large data base of stolen objects will be a good way to squander it. The data base will be inappropriate, in that it will not record illegally-excavated or removed objects, and ineffective, in that it will not be supported by any legal or ethical sanction. The money would be better spent reinforcing Scotland Yard's Art and Antiques squad. If, on the other hand, the Government wishes to combat the trade in stolen antiques and paintings, all well and good, but let's not kid ourselves that a data base of stolen objects offers a cheap and effective solution to the trade in looted antiquities — it doesn't.

1. *Cultural Objects: Developments Since 2000* is available from the Stationery Office (ISBN 0215014391) or can be downloaded from: <http://www.publications.parliament.uk/pa/cm/cmcmds.htm#reports>.
2. *Cultural Property: Return and Illicit Trade* (2000) is available from the Stationery Office or can be downloaded from: <http://www.publications.parliament.uk/pa/cm/199900/cmselect/cmcmds/cmcmds.htm>.
3. The report of the *Ministerial Advisory Panel on Illicit Trade* (2000) can be downloaded from: [http://www.culture.gov.uk/global/publications/archive\\_2000/Report\\_Illicit\\_Trade.htm](http://www.culture.gov.uk/global/publications/archive_2000/Report_Illicit_Trade.htm).
4. The website of the International Association of Dealers in Ancient Art is at: <http://www.iadaa.org/index.html>.
5. Available at: <http://icom.museum/redlist/>.
6. Available at: <http://exchanges.state.gov/culprop/database.html>.



In the spring 2003 Editorial I pointed out that shortly after the looting of the Baghdad Museum I was able to find 53 inscribed cuneiform tablets and cones for sale on the Internet. By late December 2003 the same websites could muster only twelve between them, four of which were left over from May. It is hard to know whether this reduction in numbers is a chance fluctuation, or a more deliberate response to the negative publicity generated by events in Iraq. For the four British websites which were included in this brief survey, it might be due to the fact that in June 2003 the UK Government passed The Iraq (United Nations Sanctions) Order (SI 1519), in implementation of UN Security Council Resolution 1483, the Iraq (United Nations) Sanctions Order 2003. SI 1519 deals specifically with illegally-removed Iraqi cultural objects and is by far the strongest piece of protective legislation so far enacted in the United Kingdom as it inverts the burden of proof which normally applies in a criminal prosecution.

Under presently established criminal law, before a person can be found guilty of handling stolen material it must be established that he or she had good reason to believe that the material was stolen. In other words, to have bought and sold a cultural object of uncertain provenance is not an offence; in effect, an object is 'innocent until proven guilty'. However, this is not the case under SI 1519. Article 8(3) states that:

Any person who deals in any item of illegally removed Iraqi cultural property shall be guilty of an offence under this Order, unless he proves that he did not know and had no reason to suppose that the item in question was illegally removed Iraqi cultural property.

The requirement for a person to prove that there was no reason to suppose that an object was illegally removed effectively means that a person is obliged to ensure the good provenance of an object before buying or selling it. In other words, an object must be presumed 'guilty' unless proven otherwise.

Some lawyers have opined that SI 1519 may contravene the European Convention on Human Rights, but they can draw solace from the fact that it will be repealed in due course when the political situation in Iraq normalizes, if not



before, and the 'guilty unless proven innocent' principle which it enshrines will go along with it. However, if nothing else, the Order will have provided an interesting experiment that will allow the efficacy of strong legislation to be assessed, both as a facilitator of police action and a deterrent to illicit trade. Already, as we note on page 15 of *In the News*, Scotland Yard have arrested several people suspected of handling stolen Iraqi material.

For breaking news on Iraq see: <http://cctr.umkc.edu/user/fdeblauwe/iraq.html>



Apologies are in order. In the spring 2003 issue of *Culture Without Context* we claimed that the posters shown on page 19 were produced by the Colombian Ministry of Culture. However, Mariana Mould de Pease has kindly pointed out that they are in fact the work of Peru's Institute of National Culture, and we are sorry for any confusion or offence that our mistake has caused.

NEIL BRODIE

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## The McClain/Schultz doctrine: another step against trade in stolen antiquities

PATTY GERSTENBLITH

In February 2002, prominent New York antiquities dealer, Frederick Schultz was convicted under the United States National Stolen Property Act (NSPA) on one count of conspiring to deal in antiquities stolen from Egypt. Pretrial proceedings had focused on the basic legal issue of whether antiquities, whose ownership has been vested in a nation, are stolen property if the antiquities are excavated and removed from the country without permission. Soon after his conviction, Schultz appealed, based, to a large extent, on this question. On June 25, 2003, the federal Court of Appeals for the Second Circuit, which includes New York City within its jurisdiction, affirmed the conviction, expending much of its written opinion on consideration of whether such antiquities are stolen property under the National Stolen Property Act.<sup>1</sup> In concluding that such antiquities are stolen, the Second Circuit has clearly reiterated that this rule of law applies in the New York area, the heart of the antiquities market in the United States. In light of earlier court rulings that followed the same principle, three of the most prestigious federal appellate courts are now clearly in agreement on this issue, indicating that it is incumbent on the

art market community to conform its conduct to this legal standard.

Frederick Schultz is a prominent antiquities dealer who, until shortly before his indictment, served as president of the National Association of Dealers in Ancient, Oriental and Primitive Art (NADAOPA).<sup>2</sup> Beginning in the early 1990s, Schultz and his British co-conspirator, Jonathan Tokeley-Parry,<sup>3</sup> conspired to remove and resell several antiquities from Egypt, including a stone sculptural head of the 18<sup>th</sup> Dynasty pharaoh Amenhotep III, a faience figure of a king kneeling at an altar, a pair of wall reliefs from the tomb of Hetepka in Saqqara, and a 6<sup>th</sup> Dynasty statue of a striding figure.<sup>4</sup> In 1983, Egypt had enacted Law 117, which, among other provisions, vested ownership of all antiquities discovered after that date in the Egyptian nation. This meant that any antiquities excavated after that date and removed without permission were stolen property under Egyptian law. Tokeley-Parry and Schultz therefore created a fake provenance for several of these items, placing them in a fictitious old collection of the 1920s, dubbed the 'Thomas Alcock collection', and falsifying 'aged' labels.

Following his indictment in July 2001, Schultz moved to have the indictment dismissed based on two main arguments: that Egyptian Law 117 was merely an export control and not an ownership law and that United States law, including the NSPA, does not regard objects taken in violation of a foreign ownership law as stolen property. The trial court rejected both these arguments<sup>5</sup> and the case went to trial in February



2002. Schultz was convicted and sentenced in June 2002 to 33 months' imprisonment. He then appealed to the Second Circuit. Schultz's appeal was supported by two *amicus curiae* briefs — one filed on behalf of NADAOPA, joined by the International Association of Professional Numismatists, the Art Dealers Association of America, the Antique Tribal Art Dealers Association, the Professional Numismatists Guild, and the American Society of Appraisers. The second brief in support of Schultz was filed by an *ad hoc* group, Citizens for a Balanced Policy with Regard to the Importation of Cultural Property, although authored by the NADAOPA's long-time attorney, James Fitzpatrick. An *amicus curiae* brief was submitted in support of the U.S. government's position by the Archaeological Institute of America, joined by the American Anthropological Association, the Society for American Archaeology, the Society for Historical Archaeology, and the United States Committee for the International Council on Monuments and Sites.

Although it was not an issue explicitly argued by Schultz in his appeal, the Second Circuit appellate court spent considerable time analyzing Egyptian Law 117 to determine whether it was truly an ownership law, rather than an export control 'in disguise'. If the law were more appropriately viewed as an export control, the property could not be characterized as stolen and there would be question as to whether Schultz had violated an American law in conspiring to bring such objects into the United States. The court concluded that Law 117 is a true ownership law based on its clear language and extensive evidence of its internal enforcement presented during a hearing conducted by the trial court. The testimony of Dr Gaballa Ali Gaballa, at the time the Secretary General of Egypt's Supreme Council of Antiquities, and General El Sobky, Director of Criminal Investigations for the Egyptian Antiquities Police, outlined the conduct required when individuals discover antiquities and particularly the government's active enforcement of the law within Egypt, including the prosecution of individuals for violating Law 117. The court concluded that 'Law 117 is clear and unambiguous, and that the antiquities that were the subject of the conspiracy in this case were owned by the Egyptian government'.<sup>6</sup>

The court then responded to a series of arguments presented by Schultz that amounted to the notion that these objects, even if owned by Egypt under Egyptian law, should not be considered owned by Egypt for purposes of United States law and enforcement of the NSPA. The court responded that the NSPA covers objects stolen in foreign countries as well as objects owned by foreign governments. The court then proceeded to analyze three of Schultz's primary arguments as to why the NSPA did not apply to his conduct.

First, the court focused on the status of an earlier decision, *United States v. McClain*,<sup>7</sup> which affirmed the conviction of several dealers for conspiring to deal in antiquities stolen from Mexico. As in the case of Egypt, Mexico vests ownership of antiquities pursuant to a national ownership law. In *McClain*, the Fifth Circuit Court of Appeals struck a balance by clearly distinguishing between, on the one hand, illegal export and, on the other hand, application of the NSPA to protect a foreign nation that has clearly vested ownership of antiquities in the same way as it protects any other owner whose property has been stolen.

Second, the court addressed Schultz's argument that the prosecution under the NSPA was contrary to United States policy. Much of this argument rested on Schultz's contention that Egyptian Law 117 was an export control, rather than an ownership law. The court summarily rejected this argument, returning to its earlier analysis of Egyptian law and citing also to the different penalties provided for smuggling and for theft or concealment of an antiquity.

Schultz's next argument was that enactment of the Convention on Cultural Property Implementation Act (CPIA)<sup>8</sup> was inconsistent with Congressional intent concerning the meaning of the NSPA. The CPIA provides a mechanism by which other nations that are party to the 1970 UNESCO Convention may request the United States to impose import restrictions on designated categories of archaeological and ethnological materials. The CPIA also prohibits the import into the United States of stolen cultural objects that have been documented as part of the inventory of a museum or other public institution. Schultz argued that the CPIA provides the only mecha-



nism by which the United States deals with antiquities in the international arena and that, in particular, the notion of stolen archaeological objects should be restricted to those covered by the CPIA — that is, those that are stolen from a public institution.

In rejecting these arguments, the court cited to the legislative history of the CPIA in which Congress stated that the CPIA ‘affects neither existing remedies available in state or federal courts nor laws prohibiting the theft and the knowing receipt and transportation of stolen property in interstate and foreign commerce’.<sup>9</sup> In response to Schultz’s restrictive interpretation of ‘stolen’, the court pointed out that the NSPA would surely apply equally to cultural objects stolen from a private home abroad, even though such objects are not covered by the stolen property provisions of the CPIA. Finally, the court emphasized that the CPIA and NSPA differ in that the CPIA is a civil, import law, while the NSPA is a criminal law. Even though both laws might, at times, pertain to the same conduct, such overlap is not inappropriate and is not a reason to limit the scope of the NSPA.<sup>10</sup>

While Schultz raised several other arguments, these are generally not of interest to the concerns of archaeological preservation.<sup>11</sup> In a summary of its analysis, the court stated:

Although we recognize the concerns raised by Schultz and the amici about the risks that this holding poses to dealers in foreign antiquities, we cannot imagine that it ‘creates an insurmountable barrier to the lawful importation of cultural property into the United States’. Our holding does assuredly create a barrier to the importation of cultural property owned by a foreign government. We see no reason that property stolen from a foreign sovereign should be treated any differently from property stolen from a foreign museum or private home. The mens rea requirement of the NSPA will protect innocent art dealers who unwittingly receive stolen goods, while our appropriately broad reading of the NSPA will protect the property of sovereign nations.<sup>12</sup>

The *Schultz* decision clarifies the law applicable in the New York region and sets a precedent that is likely to be persuasive to any American courts that confront these issues in the future. Future legal cases will likely move away from argumentation concerning the underlying legal principles and focus more on the factual circumstances of

each case. These factual issues will include the specific conduct of the parties involved and the law of foreign nations. Nations that want to protect their archaeological heritage need to be sure that their laws, particularly those that vest ownership of antiquities in the nation, are written clearly enough so as to give notice to Americans of the conduct that they prohibit and distinguish between ownership and export controls. Such laws will need to stand up to scrutiny in an American court and must be domestically enforced within any country that asserts national ownership. The Second Circuit’s extensive discussion of Egyptian law underscores the importance of these points. Clarity and domestic enforcement will also have the advantage of directly diminishing the looting of sites by punishing and inhibiting the actual looters.

Finally, the *Schultz* decision adds a significant disincentive to the looting of sites by discouraging individuals from engaging in the market in undocumented antiquities by bolstering the likelihood of criminal prosecution in appropriate circumstances. In combination with the Customs laws, it will assist in prohibiting the import of stolen antiquities. These legal consequences provide a powerful disincentive to market demand which, in turn, will discourage the looting of archaeological sites. The *Schultz* decision is another element in the recognition that the preservation of archaeological sites throughout the world is of value to the American public and is another positive step taken by the American government toward the goal of world-wide archaeological heritage preservation.

## Notes

1. United States v. Schultz, 333 F.2d 393 (2d Cir. 2003). The National Stolen Property Act is codified at 18 U.S.C. §§ 2314–15.
2. The factual and legal background of the case is presented in Peter Watson, The investigation of Frederick Schultz, *Culture Without Context* 10, 21–6 (2002), and Patty Gerstenblith, United States v. Schultz, *Culture Without Context* 10, 27–31 (2002).
3. Tokeley-Parry was convicted and served three years in jail. R. v. Tokeley-Parry, [1999] Crim. L.R. 578.
4. Watson, *supra* note 2, at 24–6.
5. 178 F. Supp. 2d 445 (S.D.N.Y. 2002).
6. 333 F.3d at 402.
7. 545 F.2d 988 (5<sup>th</sup> Cir. 1977). The United States is divided into several federal circuits (or regions), each with an appellate court. The decisions of one appel-



late court are not directly binding on the courts in other circuits, although they often carry persuasive authority. While the *McClain* decision is over 25 years old, the Second Circuit had not directly addressed whether these legal principles were binding in its region. Much of the significance of the *Schultz* decision is that it is now clear that the *McClain* doctrine applies in the New York area. Only the United States Supreme Court, which rejected Schultz's petition to review this decision, 147 L.Ed 2d 891 (2004), can bind all the federal courts in the United States. The *Schultz* court's references to *McClain* and an even earlier decision of the Ninth Circuit located in California, *United States v. Hollinshead*, 495 F.2d 1154 (9<sup>th</sup> Cir. 1974), indicate that the regions with the most active markets in antiquities are now clearly encompassed within the *McClain/Schultz* doctrine's interpretation of the National Stolen Property Act.

8. 19 U.S.C. §§ 2601 *et seq.* The CPIA was the means by which the United States implemented the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.
9. S. Rep. No. 97-564, at 22 (1982).
10. The court also put to rest two other arguments raised by Schultz. The court rejected the notion that the definition of 'stolen' is restricted to the common law definition; rather, the NSPA reaches 'a broader class

of crimes than those contemplated by the common law'. 333 F.3d at 409–10. In terms of the relationship between the CPIA and *McClain* doctrine, it has frequently been stated that enactment of the CPIA precluded the *McClain* court's interpretation of the NSPA in reliance on Senator Moynihan's view that passage of the CPIA was supposed to be linked to a compromise which included amendment of the NSPA. The court concluded that Senator Moynihan's understanding and his attempts to amend the NSPA (which never succeeded) underscored the fact that enactment of the CPIA did not affect the *McClain* interpretation of the NSPA.

11. The court did affirm the jury instruction given by the trial court based on 'conscious avoidance'. Its evaluation of the form of the instruction was affected by procedural issues, but its affirmance of the use of a conscious avoidance instruction is significant because it indicates that anyone who avoids gaining actual knowledge, because there was a high probability that foreign law vests ownership of antiquities in the nation, may be subject to criminal liability.
12. 333 F.3d at 410.

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## The Schøyen Collection in Norway: demand for the return of objects and questions about Iraq

CHRISTOPHER PRESCOTT & ATLE OMLAND

In issue 11 (autumn 2002) of *Culture Without Context* we reported from the ongoing debate concerning the Schøyen Collection (Afghanistan's cultural heritage in Norwegian museums?). The Schøyen Collection, named after its owner, contains 12,500 manuscripts from the whole world, spanning 5000 years of human history. Our focus was on 1400 fragments, probably from Buddhist monastery libraries, for the most part smuggled out of Afghanistan during the Taliban regime and sold in London. Since then there have been some interesting developments.

### Schøyen turns down 110 million USD bid from 'Muslim country'

In the wake of the media coverage (January to March 2002) of the Schøyen Collection it seemed that a sale was imminent. In retrospect, the impression of urgency seems to have been created as part of a campaign to persuade the Norwegian government to buy the collection.

In the following year there was little mention of selling the collection. On March 29, 2003 *Dagens Næringsliv* announced that Schøyen had received an offer of 110 million USD for the collection. Schøyen declined to say who had made the offer, simply stating it was a 'Muslim country'. When asked whether his actions were based on a concern for the Christian manuscripts he said:

Yes, and all the other religions, too. I've put together a collection that represents all the world's religions and cultures precisely to create understanding across borders. In the long term one can



never know what will happen in the Muslim states.  
(All translations by the authors)

He went on to state that a stable country, e.g. in the west or Japan, would be a suitable buyer, and that he intends to sell while he still has his health. He also says that he has received offers from museums in Europe.

### **The Schøyen Collection under fire: Egyptian demands**

The Schøyen Collection returned to the media's interest in the summer of 2003 in the wake of a passage in an article in the Egyptian on-line newspaper *Al Haram* (May 22–29 2003). The article was concerned with the Egyptian Supreme Council of Antiquities' success in securing the repatriation of stolen objects to Egypt, and also '... set for retrieval, according to Hawass, are 17 items from Norway...'. This sent a number of Norwegian museums scrambling to deny that their Egyptian objects were stolen and that they, anyway, would not return them voluntarily. After a couple of days the Egyptian consul Dr Hesham Khalil clarified the matter in the Norwegian newspaper *Nationen* (August 7, 2003): The Egyptian art treasures were in the Schøyen Collection. 'We've been involved in this process for some time, and we've asked Schøyen to hand the objects back. He's refused, and asserted that there is no legal foundation for the claim'. Khalil was also very clear in his statement about the Norwegian authorities' handling of the case:

The Norwegian authorities refused to help us last time. If you are set on not doing anything, you will always be able to twist and turn and interpret treaties of this kind [the UNIDROIT 1995 Convention] so you do not have to do anything. It all depends on whether you actually want to do something. If the Norwegian authorities want to assist, they can manage to do so.

### **Questions about the objects from Iraq**

In an article in the upcoming issue of *Museumsnytt* (4/5-2003), Leif Anker reports on the status of certain Iraqi objects in the Schøyen Collection. Catalogues for a substantial part of the collection are not available to the public; however Anker found several catalogue numbers, at least one not publicly accessible, for objects from Iraq that were acquired after August 1990.

In August 1990 the UN imposed an embargo on Iraq, and in May 2003 the UN Security Council reaffirmed its concern for Iraq's cultural heritage (resolution 1483) and requested member states to assist in the return of illegally exported objects and implement legislation to counteract trade in such objects. The UN resolution was followed up in Norwegian legislation through provisions of May 25, 2003 that state that it is illegal to trade, export or import objects when there is reasonable cause to believe they were removed from Iraq after August 6, 1990. According to police lawyer Hans Tore Høviske-land, the trade in such objects after May 2003 is punishable with imprisonment.

In his comments on the article, Schøyen cannot positively rule out that the objects have turned up on the market in violation of the UN embargo. Although admitting that both Christie's and Sotheby's have been caught selling illegal antiquities, and that provenience information is often inadequate and objects sold anonymously, he maintains that sales through renown auction houses should guarantee that everything is legal. The Iraq material underlines the problematic nature of Schøyen's collecting practices. This material should also warrant a more active stance from Norwegian authorities, at least to secure the collection from being sold until the circumstances around the collection can be ascertained.

### **The Afghan authorities get involved**

In September 2003 the Afghan Minister of Culture, Sayed Makhdoom Raheen, sent a letter to the Norwegian minister, Valgerd Svarstad Haugland, and asserted that the Buddhist manuscripts from Afghanistan were illegally taken out of the country. According to the Afghan minister the manuscripts belong to Afghanistan, and he requested Norwegian cooperation and assistance to recover the manuscripts:

In this regard, I should like to bring your attention 'Law on the Preservation of Historical and Cultural Heritage' of Afghanistan. In its Article 1, the law stipulates that 'the historical and cultural heritage of Afghanistan belongs to the people of Afghanistan'. Article 2 defines cultural and historical heritage as 'any product of mankind, movable or immovable, which has an outstanding historical, scientific, cultural value and is at least one hundred years old'. Thus, the Afghan authorities



consider the manuscripts as belonging to the people of Afghanistan. Knowing Norway's moral and legal commitment to the prevention of illicit traffic of cultural property and to its return to the country of origin, I hope that your authorities will inform Mr Martin Schøyen about our position, and initiate a dialogue with him that would facilitate the return of the manuscripts to Afghanistan.

The claim for restitution of the manuscripts was made known for the public in an article in the newspaper *Dagens Næringsliv* (Oct. 15, 2003). In this article Schøyen responds to the Afghan claim:

Of course they had to have a go at it, but this changes nothing. The manuscripts hardly have any ties to Afghanistan, apart from the fact that they were found there. Most of them were written on palm leaves in India — and as everyone knows there are no palms in Afghanistan. Furthermore, there was no Afghanistan when they were written. The country has also changed religion from Buddhism to Islam. Buddhism isn't very relevant there anymore.

Schøyen further argues that Afghanistan always has been embroiled in conflicts and the manuscripts will not be safe there. To justify his ownership of the manuscripts Schøyen also refers to a legal loophole concerning the UNESCO 1970 Convention: '... Norway [was] not a member when the manuscripts were rescued out of Afghanistan'.

Given the coverage the Schøyen Collection has received in the course of the last two years, Schøyen has had ample opportunity to come forth with a credible explanation of how the manuscripts were 'found' in Afghanistan and later came to be bought by him in London. In light of this, his response to the Afghan request can be interpreted as admission that he is not the rightful owner.

### **The Norwegian ministry's response**

In October 2003, when Afghanistan's letter became publicly known, the Norwegian Ministry of Culture seemed slightly taken aback by the request. This is surprising since the ownership and a return of the Buddhist manuscripts has been debated in the press for two years, and the Egyptians stated in August that they would demand the return of Egyptian objects. One would there-

fore have assumed it was simply a matter of time before a formal request from Afghanistan arrived, and expected the Norwegian authorities to have been more prepared. The Minister's secretary, Yngve Slettholm, said to *Dagens Næringsliv* (Oct. 15, 2003) that the ministry would look into the matter, but he followed up by stating that the government has neither formal nor indirect means of exerting influence.

All in all it is remarkable that the Norwegian government remains so indifferent to the grey trade in antiquities. This passive attitude projects an image of Norway as a haven for the criminal trade in cultural artefacts and a nation indifferent to the destruction of archaeological sites outside of Norway.

Norway has one of the strictest national antiquities legislations in the world, while international efforts to halt the damaging antiquities trade has long been a priority among archaeologists and others concerned with the cultural heritage of humanity. It is therefore distressing to observe how politicians, administrators and organizations who should be fundamentally committed to stopping the illicit trade in antiquities and the destruction of sites, either remain passive or fall for temptation and seek to purchase objects with a dubious provenience. Norwegian museums and authorities have seldom been seriously involved in questions concerning the illicit international trade, and it is sad to see their response when put to the test.

### **Resolving the issue in the near future**

Much of the defence for Schøyen's collecting practice seeks to create the impression that the issue is pragmatically about whether the objects should be immediately shipped back to Afghanistan or kept safely in Norway. This is a gross distortion of the argument. Any solutions should be based on two premises. The first is that Schøyen has not demonstrated that he is the rightful owner, and therefore it should now be acknowledged that the Afghan authorities are the proper owners. From this it follows that Schøyen has no right to trade in the Afghan manuscripts, and he should not be allowed to do so. The manuscripts should be returned to Afghanistan when conditions permit.

The second perspective is based on the fact



that conditions in today's Afghanistan do not warrant the return of the manuscripts. It therefore follows that the manuscripts should be deposited at an institution that can guarantee their safekeeping. The Schøyen Collection is for obvious reasons not a candidate. Indeed, in light of the unethical and curious positions taken by Norwegian bureaucrats, politicians and museum leaders, the manuscripts cannot be deposited in that country without raising suspicions about the motives.

The only satisfactory intermediate solution is that an UNESCO-designated institution takes on the responsibility of looking after the manuscripts until they can be returned to Afghanistan. For the sake of Norway and Schøyen's reputation this process should be initiated by a voluntary donation of the manuscripts by Schøyen. This turn in the Schøyen case — a return of the manuscripts that does not involve more financial transactions — might make a positive contribution to the international campaign against the destruction of archaeological sites and the theft of artefacts.

### **Ethical dilemmas for museums and researchers**

Although professor Jens Braarvig, the primary specialist on the manuscripts in the Schøyen Collection, has previously stated that ethics, legal issues and questions of ownership do not concern him (*Museumsnytt* 1-2002), the initial enthusiasm for acquiring the collection, seems to have cooled among others. Directors at the National Library have confirmed the library's commitment to uphold international agreements, and explicitly stated that the Schøyen Collection is private and has nothing to do with the Library (*Museumsnytt* 1-2002). In a recent radio debate the director of the University Museum of Cultural Heritage, Oslo, Egil Mikkelsen, now stated that the museum would have to implement investigations before considering acquiring the Schøyen Collection.

In light of this, both the National Library and the University of Oslo seem to be in conflict with themselves. The National Library has issued press statements about their involvement, have developed and run the collection's web site, and

have the collection in their index. Parts of the collection are reportedly stored at the Library. The University of Oslo is involved through employees who seem to be working for the Schøyen Collection through a semi-private institute 'The Norwegian Institute of Paleography and Historical Philology (PHI)'. This institute rents facilities from the Norwegian Academy of Science and Letters. The Centre for Advanced Study has previously hosted research projects on the Buddhist manuscripts from Afghanistan. The centre was established by the Academy and the Council for Universities and Colleges and is *inter alia* funded by the government, the Universities, the Academy, and the Research Council of Norway. According to a press release from the National Library<sup>1</sup> the University of Oslo hosts six major research projects dealing with materials from the Schøyen Collection.

Although we do not necessarily believe that the material in the Schøyen Collection should be put in 'quarantine', the ethical and political questions concerning the collection are serious enough to warrant a conscious attitude from the involved institutions, if for no other reason than out of concern for their own reputations. Combating the looting, smuggling and trade driven by a greedy antiquities market that leads to large-scale destruction of our common cultural heritage should be a major priority for all cultural and academic institutions. A necessary measure in restricting the market side is to implement strict guidelines — and force institutions to follow them.<sup>2</sup>

We hope the involved Norwegian institutions carefully consider their responsibilities — and in all decency: Shouldn't the authorities in Afghanistan be consulted before any agreement is made?

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### **Notes**

1. [http://www.nb.no/html/pressemelding\\_schoyen.html](http://www.nb.no/html/pressemelding_schoyen.html).
2. See Colin Renfrew at <http://www.dailypennsylvanian.com/vnews/display.v/ART/2003/10/22/3f962db730a27>).



## In the News

JENNY DOOLE

### News from Italy

- It is hoped that an **amnesty system** being introduced **in Italy** may help authorities trace thousands of works of art, including objects stolen from public sites. Those handing over illegal items may be allowed to keep them in return for public access arrangements. Future law breakers face jail sentences of up to six years.
- *July*: Following clues obtained during a robbery of historic frescoes from a Rome hotel in October 2001, Italian police have now carried out around 20 searches which have uncovered about **100 archaeological items** stolen from Cerveteri, Marino, Zagarolo, Bari, Bitonto and Padua.
- A preliminary hearing will be held by the Public Prosecution Service in Italy in December, to decide whether to proceed with legal action against **Marion True**, formerly curator of antiquities at the J Paul Getty Museum, Los Angeles. It is alleged that Dr True bought approximately 30 items for the museum knowing that they had been consigned by Italian dealer **Giacomo Medici**. Medici has been under investigation since Italian police seized a hoard of antiquities in his possession at Geneva Freeport in 1997 (See *CWC* Issue 2, Spring 1998).
- Officials at the Roman site of **Pompeii** in Italy plan eventually to 'remove everything that is not nailed down and replace them with **good copies**' (The *Telegraph*, 16 November 2003) in an effort to protect the archaeology from thieves apparently operating from Naples. The scheme, already underway, follows a **series of thefts**, the most recent involving removal of the stonework of a first-century well, weighing 150 lbs from an ancient house, its entrance

(along with two other house doors), having been forced open. Originals will be moved to secure museums for safekeeping.

- In October, **2700 Roman coins** (discovered in 1998 in Piazza Risorgimento) were **stolen from the Trinci Palace** in Foligno. It is possible that the robbers disarmed an alarm system.



### Call for UK action

Suffolk farmer, John Browning, has called on police, local magistrates, and English Heritage to provide **protection for archaeological sites from illegal metal detecting**. He told *Minerva* magazine (July/Aug 2003) that nighthawks had dug his land (the scheduled ancient site of Icklingham, from which 16 Romano-British bronzes were looted in 1982) eight times over several weeks, and destroy £2000–3000 worth of harvest a year, but receive only low fines from courts when caught. Browning would like to see English Heritage excavate and study the archaeology that remains.



### Egyptian round up

- The **Egyptian Supreme Council** of Antiquities is working to create a **WWW site** which will publish photographs and details of objects known to have been smuggled abroad or recovered.
- Mohamed Abdul-Maksoud, general manager of the Lower Egypt Antiquities Department, will lead a **committee pursuing possible legal actions** to secure the return of objects. Abdel Karim Abu Shanab, who was appointed to this task last year was arrested in January, charged with allegedly accepting bribes from a dealer smuggling material to Spain (see In The News *CWC*, Issue 12).



- **September:** The **Italian Foreign Ministry returned to the Egyptian Supreme Council of Antiquities seven pharaonic statues** discovered in the home of a woman in southern Italy, who failed to prove legal possession.
- In August, a court in Alexandria **jailed 14 people**, including two police officers and French architect Stephane Rousseau, for between 2 and 10 years for **smuggling more than 300 antiquities** from Egypt. Rousseau, who worked for the French archaeological mission, was arrested at Alexandria airport in possession of 144 coins and a number of ushabti figurines which he claims he bought thinking they were modern copies.
- In September, **Switzerland agreed to supply Egyptian authorities with details of artefacts**, including 280 statues, masks and 2 mummies, found at Geneva Freeport. Swiss and Egyptian police are working together on a criminal enquiry into a number of people, including **Tarek Al-Sweisi** (a senior official now expelled from the ruling National Democratic Party), thought to have carried out illegal excavations at several sites, culminating in the alleged smuggling and sale of large numbers of artefacts. Some were said to have been smuggled from **Switzerland to France**. Prosecutors said that fifteen Egyptians and one Lebanese citizen have been arrested, and twelve others are sought, including two Swiss, two Germans, a Canadian and a Kenyan. Customs officials, senior police officers and Supreme Council of Antiquities employees from the Luxor region have also been arrested in connection with the case. Swiss authorities have been asked to freeze suspects' bank accounts.

A **committee of Egyptian archaeologists** has been appointed to maintain and restore the objects and a judicial committee was expected to receive them from Swiss authorities in November.

- A **senior Egyptian official and six fellow**

**Agriculture Ministry employees** were arrested in October for trying to sell a mummy, which they are believed to have illicitly excavated from Beni Suef, south of Cairo. They were trapped by an undercover officer posing as a dealer.

## Israeli collector under suspicion

It was reported in *Archaeology* magazine (September/October issue) that in March **Israeli collector Oded Golan was arrested** on suspicion of forging the inscription on a controversial ossuary alleged to have held the remains of James, brother of Jesus, and of fabricating from scratch an inscribed tablet referring to the ninth-century BC King Jehoash. Police were said to have found engraving tools and partly forged objects in his possession, although Golan himself in *Biblical Archaeological Review* (September/October issue) said the claims made against him were 'ridiculous'. The ossuary and tablet were declared fake in June after investigation by a panel of expert epigraphers and material scientists appointed by the Israel Antiquities Authority under order from the Israeli Ministry of Culture. The motive for faking objects is believed to be monetary gain, since the ossuary was once valued at \$1–2 million.

## Iraqi update

- **Col Matthew Bogdanos**, responsible for US investigations into looting of the **National Museum, Baghdad**, reported in July that:
  - The most likely markets for looted Iraq antiquities were the UK and USA, but that Italy, Russia, Japan, Jordan and Syria might also feature in investigations.
  - When identified, couriers would be allowed to deliver illicit antiquities then 'squeezed for their sources' as in drugs investigations.





Looting with a bulldozer at the Partho-Sassanian site of al Assaya, southeast of Najaf, Iraq. (Photographs: Helen McDonald.)

- Losses from the museum are now estimated at around 13,000 objects, including: 30 objects from display cases, 169 from restoration stores, 236 from Heritage Room, 2703 from the old storeroom and 9666 small items from basement storerooms (cylinder seals, jewellery, and pottery — believed to have been taken in an inside job during which thieves dropped their keys, curtailing their raid).
- **Damage to, and losses from, other museums in Iraq** was still being assessed in June.
  - At least 34 artefacts are missing from **Mosul Museum**, including 30 bronze panels from the Assyrian city of Balawat, ripped from a replica gate and three cuneiform tablets from Khorsabad, (attached to museum walls with clamps which were removed using heavy duty equipment). Many more pieces were

damaged and two storage rooms looted.

- **Seizures of looted Iraqi material** have been reported although published details are often sketchy:
  - *May*: Fawwaz Khreisha, Director General of the Antiquities Department, **Jordan**, said that 163 ethnographic and archaeological artefacts from Iraq had been seized.
  - *June*: The **Warka Vase** was anonymously returned to the National Museum, Baghdad, amid speculation that it was too 'hot' to dispose of.
  - Also in June, **Kurdish security forces** arrested three Iraqi men for allegedly trying to sell 28 objects from the National Museum. They were released without charge after three days' detention and one expressed the hope that the stolen items would be returned to the museum.
  - *July*: **Jordanian customs officials** seized 40 smuggled Iraqi antiquities, including Sumerian statues and artefacts at the Karama border crossing.
  - *July*: Ancient Sumerian artefacts (including figurines, a skull and a clay bowl), wrapped in towels in a rice bag, were **confiscated by US troops** from a suspected smuggler, as were 12 pieces from the National Museum. They were discovered alongside automatic weapons, grenades and several thousand dollars worth of Iraqi currency. Two potential buyers were arrested.
  - *August*: US writer **Joseph Braude** (author of *The New Iraq: Rebuilding the Country for its People, the Middle East and the World*) was **arrested by customs officials in New York** carrying three cylinder seals with National Museum inventory numbers, apparently purchased in Baghdad for \$200.
  - **Unpublicized confiscation** (probably in June), believed to comprise more than 600 small artefacts, including cylinder seals and jewellery, believed to be from raided basement stores in Iraq museum. Thought to have passed through **London**.



- In September, the **Warka Mask**, one of the most high-profile objects stolen in the April looting of the National Museum, was found by US troops, **buried in a field** outside the city following a tip-off to museum staff. The investigation led first to a youngster, then an older man and finally the culprit and involved weeks of negotiations. It is believed that the mask changed hands several times after the theft.
- *November:* Part of an inscribed **bronze statue and the Nimrud brazier**, also stolen from the National Museum in April, and smeared with grease for protection, were recovered by American forces from a **cesspit in the city**.
- *November:* **London Metropolitan Police** confirmed that artefacts stolen from Baghdad Museum had been **seized by the Art and Antiques Squad**. Several men were arrested in connection with allegations of handling stolen goods. One was said to be a 76-year-old, in whose central London gallery was found a sculpture, part of a frieze from the ancient palace of Nimrud, apparently stolen before the current Iraq War.
- *November:* **Jordanian customs officials** confiscated more than 500 Iraqi artefacts and paintings, including ancient material from Iraqis and other nationals at border posts of Karameh, King Hussein Bridge, Amman International Airport and Queen Alia International Airport.
- Artefacts (often cylinder seals and cuneiform tablets) reportedly confiscated at a **French airport** (500), in **Kuwait**, from a dealer in **Sardinia** (33), in **Rome** and other unpublicized locations outside Iraq.
- Experts have expressed increasing concern about **looting of archaeological sites in Iraq**.
  - Donny George, director of research for Iraq State Board of Antiquities, says armed thieves have been **looting dozens of partially excavated ancient sites in southern Iraq** for months and selling off untold quantities of archaeological ma-



*Looted Partho-Sassanian cemetery, southeast of Najaf, Iraq. (Photographs: Helen McDonald.)*



terial. (Agence France-Press via ClariNet 29 September 2003)

- McGuire Gibson of the University of Chicago said the international **market for Mesopotamian antiquities is booming** while some sites will be so badly destroyed archaeologists will not go back to them.
- Cultural experts from the Netherlands, operating as part of the **Dutch mission** currently administering **al-Muthanna province in southern Iraq**, are expected to put forward recommendations for protection of the important Sumerian site of **Uruk** to the Dutch Ministry of Defence. Outgoing US forces, who occupied the province until August, did not list protection of Uruk as a responsibility and the fact that the site has not been plundered like so many others in the area is thanks to the **efforts of a local Bedouin family** who have been guarding it, despite lack of water and transport (*Art Newspaper* November 2003).
- Pietro Cordone, senior advisor for culture to the **Coalition Provisional Authority** (CPA) in Iraq, reports in *The Art Newspaper* (Oct 2003) that the CPA is presently **unable to do much to protect** important archaeological sites from looting. Helicopter surveillance and patrols by US armoured vehicles have been instigated at around 40 sites, but looters simply wait for patrols to move on.

In the city of Baghdad itself, he has relied on **appeals by religious leaders** to encourage looters to return material stolen from the museum, while museum staff and US personnel **discreetly search flea markets**, shops and galleries.

- *December*: 820 objects, mainly cylinder seals, were returned to Baghdad by the Iraqi-Italian Institute of Archaeological Sciences.



## Museum ethics

- The ethical dilemmas of displaying and publishing unprovenanced antiquities were discussed in an article by Martin Gottlieb and Barry Meier in *The New York Times* (2 August 2003), who used examples from the Metropolitan Museum of Art's exhibition, *Art of the First Cities: The Third Millennium BC from the Mediterranean to the Indus*, to highlight issues. In particular they investigated the history of a **limestone fragment**, with a rare depiction of Akkadian king Naram-Sin seated beside Ishtar, which was discovered (and later published) by archaeologist Donald P. Hansen in **Jonathan P. Rosen's extensive collection** of Near Eastern antiquities. Rosen refused to answer any queries about the stone or about two other unprovenanced items lent to the Metropolitan. His lawyer, Harold M. Grunfeld, told the authors his client never talked publicly about his collection and that the items had been **bought via 'highly reputable dealers** in Europe', adding that as a lawyer he was satisfied with their provenance and legality. No answers were forthcoming regarding dates of purchase or ownership histories. Philippe de Montebello, director of the Metropolitan, argues that the museum is obligated to 'put these objects forward' but said that stricter rules were applied to acquisitions than to loans.
- Reporting on the success of June antiquities sales in Europe, *Antiques Trade Gazette* (16 August 2003) remarks that the Metropolitan's *First Cities* exhibition has **encouraged a 'surge of interest'** in pieces from Bactria, Baluchistan and other areas classified as 'Western Asiatic'.
- Meanwhile, David D'Arcy, in the *Art Newspaper*, scrutinizes the **significant tax deduction** (based on current market values) Jonathan Rosen allegedly accrued when he donated 1500 cuneiform tablets, assumed to be Iraqi in origin, to the Department of Near Eastern Studies at Cornell University



in Ithaca, New York. Yale University was said to have declined them because of the lack of published provenance.

## Return to Nepal

In an October ceremony in Kathmandu, the **Austrian government returned to Nepal a 400-year-old, one-metre tall, bronze and copper mask** of Dipankar Buddha, which had disappeared from an office in Lalitpur district, south of the city, two years ago. A German citizen had tried to sell the mask to an Austrian museum for \$200,000, but museum staff contacted the authorities. Nepalese archaeology department officials admit they have **no inventory of existing antiquities** in the country or those which have been smuggled out, although photographs and police reports were available in this case. One heritage professional alleged that the mask had been stolen by locals, sold by Nepalese middlemen and exported with the help of government officials, since it had proper export documentation from the Department of Archaeology. No arrests have been made.

## Looting in the USA

- Between early spring and mid-June, looters struck at the remote **BA Cave Rockshelter, Black Mountains, Wyoming**. Archaeologist Mike Bies said the robbers removed as much or more dirt than his archaeological project had in 10 years, and estimated that the damage could have been done in a single day, depending on how many people were involved. Site reference markers were destroyed and a 970-year-old hearth dug through. Cost of reparation and repairs is estimated at a minimum \$1.9 million, and of lost artefacts (for which there is a thriving black market) at \$4.8 million. A **\$20,000 reward** is offered for information leading to the arrest and conviction of

those responsible and much of the site has now been covered in rocks to discourage further attacks.

- Experts believe that looting of Native American sites like **Chaco Park and Mesa Verde** has increased markedly over the last couple of years. They blame increasing numbers of visitors compared to decreasing numbers of staff, sharing of information about archaeological sites, particularly via the Internet, and the potentially handsome prices that looted antiquities will raise (between \$5–500 for more than 600 artefacts, such as arrowheads, beads and pottery on Ebay) on the market (VOA news, 10 September 2003).
- Federal agents in Phoenix, Arizona are investigating how a **large boulder carved with ancient petroglyphs**, which they believe was stolen from the **Lake Pleasant area**, came to be under a tree in the garden of Eric Zoller's Phoenix home. Zoller claims he was given the rock by a person he helped in a road breakdown, but will not name them. The Bureau of Land Management said the agency is looking into the case as a possible violation of the 1979 Archaeological Resources Protection Act (ARPA).  
**Four or five violations of ARPA** were investigated from the US Attorney's Office in Phoenix in 2002. Looting is a particular problem in Arizona because land is open and not obscured by vegetation, and whole sites have been destroyed. The problem will grow worse as cities expand closer to public lands.

## Afghan finds

- One of the greatest archaeological treasures of Afghanistan, the **Bactrian hoard** (excavated in 1978 by Soviet archaeologist Viktor Ivanovich Sarianidi at Tilya Tepe), over the years said variously to have been sent to Moscow, taken by corrupt officials, stolen by thieves or destroyed by the Taliban, has



now been **found safe**. In addition, important pieces from the collections of Kabul Museum, previously believed to have been looted, have been discovered. The objects were packed in trunks and moved to the vaults under the presidential palace for safe-keeping under the orders of president Dr Najibullah in 1989, as the security situation in Afghanistan worsened.

Staff at the British Museum said they would be delighted to help in identifying and cataloguing objects, while the National Geographic Society and the Musée Guimet in Paris have expressed their interest in arranging touring exhibitions of the Bactrian gold treasure.

- Following reports in *Le Temps* (17 Oct 2003) that an anonymous antiquities expert has seen **parts of the Bamiyan Buddhas** (blown up in 2001 by the Taliban) in a warehouse in **Geneva Freeport**, Afghanistan's culture ministry has requested that they be returned to Afghanistan as soon as possible.
- Osmund Bopearachi, a French expert, was shown **in London a Bronze Age bowl** which a private collector had bought in good faith but was in fact stolen from Kabul. It is now hoped that it will be displayed by agreement between the archaeological museum in Lattes, near Montpellier, and UNESCO, until it can be returned.
- **Scotland Yard have seized several hoards** of recently excavated illicit antiquities from Afghanistan, including stone sculptures, bronzes and terracottas possibly from temple sites.
- Police in Afghanistan have **recovered seven clay Buddha heads** illegally excavated in **Logar province**, probably from the 19-square-mile site of Kharwar which has never been scientifically excavated.
- Sayed Raheen, Information and Culture Minister, said that smugglers recently contacted him offering, for the **price of \$1**

**million**, a 1600-year-old painting on ivory of a nude woman surrounded by servants. He believes Afghanistan is presently at 'one of the worst stages of our history in terms of historic artefacts' (*Pakistan Tribune*, May 22, 2003).

- Omar Khan Musudi of the National Museum, Kabul, said in June that **more than 400 artefacts have been seized from looters** but many more have been smuggled to Pakistan. He called for international peacekeepers to extend their missions beyond Kabul.



## Chinese news

- *June:* **Li Haitao**, head of security at the Waibamiao museum complex, Chengde is said by Chinese police to be responsible for the **theft of 158 artefacts**, which he removed in sacks, one at a time. Some were sold on the black market (and subsequently appeared in the salerooms of Christie's, Hong Kong), others were found in his home, which police said looked like a museum.
- *September:* **Two men**, Huang Xiaojun and Li Meisheng, **were executed** for robbing three tombs belonging to a national museum in Guo, Henan province. They sold objects from the tombs for \$72,000 to Hou Jinhai, who is on the run.
- At an October conference on protection of cultural heritage, Shan Jixiang, director of the State Administration of Cultural Heritage said:
  - **Since 1998, eight cases have been uncovered** involving several museum workers and 268 smuggled antiquities.
  - Stone sculptures and objects in temples are **particularly vulnerable** since they are widely scattered in unprotected and sometimes rural locations.
  - Thieves are motivated by big profits and increasingly employ **modern communication and transportation equipment**.



- In 2001, police arrested **20 looters in Sanmenxia Gorge, Henan Province**, who had dug a 400-metre-long, 1.2-metre-deep and .70-metre-wide tunnel into an ancient tomb.



## Yemeni antiquities identified and returned

- A third-century **alabaster plaque**, depicting Dat-Hamim, goddess of fertility and estimated to be worth \$20–30,000 was **withdrawn from sale at Sotheby's New York**, when a member of their staff recognized the piece in a 1977 publication. It had been stolen from the Aden Museum in Yemen during civil unrest between 9–11 July 1994, and was consigned for sale by **Phoenix Ancient Art of Switzerland**. Following a request for help from Yemeni officials, the US federal government has seized the plaque and paper have been filed in US District Court in Manhattan in order to arrange a return.
- In July, **three statues** (two of a man, one of a lion on a pedestal inscribed with archaic southern Arabic) were **returned from Jordan to Yemen**. They were confiscated in 2000 by authorities at Queen Alia International Airport from the luggage of a Yemeni national en route for Europe where it is presumed the pieces would have been sold.



## Pre-Columbian artefacts: returns and rescues

- *June:* **Christie's Paris** broke new ground when they **auctioned 186 lots of Pre-Columbian material**, hoping to capitalize on interest generated by the opening of the Musée du Quai Branly. A storm of protest erupted in Colombia when the French Government paid out €228,250 for a gold Tairona pendant.

- **279 Pre-Columbian artefacts, smuggled into the US** by Ohio businessman Douglas Hall and Guatemalan accomplice Tulio Monterroso Bonilla, were returned to **Honduras** in September. Hall was convicted in June 2002 and sentenced to 18 months in prison and a fine, Monterroso Bonilla pleaded guilty in August 2002. Hall had bought the Mayan figurines, bowls and pottery, for \$11,000 in 1998 and shipped them to Miami with a declared value of \$37 for sale in the shop he co-owned.

- **146 small Mayan artefacts were returned to Guatemala** from the USA in November. They were seized from a Spanish citizen, travelling from Guatemala to Spain, when he stopped in Houston. He had claimed they were worthless replicas and was not charged.

- A **Mayan altar was saved from looters** by local villagers, police, and archaeologists in Guatemala, in October.

The 600 lb altar, carved with hieroglyphs and with a depiction of Mayan king Taj Chan Ahk Ah Kalomte, was uncovered during heavy rain in the ruins of **Cancuén** and stolen by looters who tried to sell it to local drug traffickers. It then became an object of dispute and violence between members of the gang and their rivals, and was eventually **sold on the border with Belize** (the location of potentially lucrative antiquities markets). Villagers and archaeologists, including Arthur A. Demarest of Vanderbilt University, director of excavations at the site, spent six months tracking the looters, four of whom were arrested by Guatemalan undercover agents when the altar was finally recovered buried underground, about 18 miles from Cancuén.

Police believe this may be the **first time an entire chain** of looters and dealers of Mayan artefacts has been exposed.

- *September:* 74-year-old **Taddeo Barchitta pleaded guilty in a Virginia federal court** to a charge of selling illegally-exported Peruvian artefacts, ranging in date from AD



800 to AD 1400. He was arrested after US Customs had mounted an undercover operation.



## Turkish seizure

**Turkish financial branch police**, acting on information that ancient artefacts were being hidden in a house in Istanbul, seized around **212 Hittite, Roman and Seljuk artefacts** (thought to be worth \$2 million), probably stolen from the area of Van. One person was taken into custody, while a businessman was mentioned as ringleader in connection with the case.



## Greek developments

- A farmer from **Apsalos, northern Greece** was re-arrested when on bail after he buried artefacts police had not previously discovered. He was arrested first time round for possession of around 2000 illicit antiquities of neolithic through to Byzantine dates found hidden in his home, his farmland and a disused railway depot. After his release, police kept **Nikos Angelidis** under surveillance and in renewed searches found a further **5900 ancient coins, as well as 2000 artefacts**, including jewels, tool and figurines, in the farm's cesspit. Police believe many were **destined for sale abroad**.
- A 78-year-old resident of **Thessaloniki**, northern Greece, identified only as V.I. was released due to health problems after being charged with **illegally trading in antiquities**. Dozens of ancient artefacts from Hellenistic, Roman and Byzantine periods were found in his country home.

This, and other recent seizures of illicit antiquities from the area highlight **disturbing trends and developments** (*The Art Newspaper*, September 2003):

- Authorities believe the area between **Dion, Vergina and Pella, is now being systematically searched by looters** using metal detectors as illicit activity has shifted from the Cyclades in the 1960s, to less exploited sites in the north.
- When material is illegally excavated it is photographed, reburied in caches and the **photographs sent to middlemen** who approach potential foreign buyers.
- Dimitris Grammenos, director of Thessaloniki Archaeological Museum, said that **illicit trade in archaeological material sustains entire villages** in this part of northern Greece.
- A **police department** recently set up specifically to deal with illicit antiquities issues is not in touch with parallel departments in other Mediterranean countries.



## African initiatives

- In June the **government of Angola began investigations** into the theft of objects from the local museum of Dundo, northeastern Lunda-Norte province, which holds archaeological and palaeontological artefacts. The deputy culture minister was also expected to check organization of the cultural sector in the area.
- Barth Opoku Acheampong, Public Relations Officer for the **Museums and Monuments Board of Ghana** called on the government enable the Board to send staff to **check for illicit trafficking** of cultural heritage over national border points by handicraft exporters. Such checks were stopped in 1997 because the Ghana Export Promotion Council believed they were hampering export activity.





## Important Indian arrest

Antony Barnett, reports in the *Observer* (6 July 2003) that the June arrest of rich and powerful Indian antiquities dealer **Vaman Ghiya** may result in an **international police investigation** into dealings at Sotheby's. The arrest followed a six-month investigation, Operation Blackhole, in which undercover police posing as beggars and rickshaw drivers outside unguarded Indian temples arrested four men stealing ancient idols. Police believe thieves like these would routinely steal from unguarded temples, Ghiya would buy the items through middlemen, label them as handicrafts and smuggle them abroad through companies in Mumbai, Delhi and also allegedly laundering them through sale and resale by companies in Zurich.

During a search of Ghiya's home **many Sotheby's catalogues** were discovered and it is alleged that he received commissions from the auction house, paid from accounts of different names. Sotheby's admitted to dealing with Ghiya in the past, but say they have had **no dealings in recent years** and were 'unaware' of payment of commission.

A twelfth-century sandstone sculpture offered for sale at Sotheby's in New York for \$35,000 in September 2002 had been reported stolen from Vilasgarh temple in September 1999. Police say Ghiya purchased it for 1 million rupees (£13,000) and smuggled it out of the country.

Police are also said to have identified in Sotheby's catalogues dating from 1997–9, four more objects, stolen from Taneshwar temple, Udaipur in the 1960s but unconnected with Ghiya.

## Eastern European concerns

- *Bulgaria:* After allegations on Darik Radio that **Georgi Getov**, head of the national police department for crimes relating to historic and cultural artefacts, was **involved in illegal export of antiquities** in collusion

with **directors of archaeological museums** and other law enforcement officials, he was moved to a different department. The allegations have been denied.

In September 2002 Getov said that police believed around **200,000 to 300,000 people in Bulgaria** are involved in illegal trading in architectural and historical artefacts and fell into three main groups: treasure hunters, who dig for loot; middlemen, buying directly from the looters; and 20–30 large-scale dealers running the smuggling operations and supplying international collectors.

- President Vladimir Putin is backing a proposal by Mikhail Piotrovsky, director of Russia's State Hermitage Museum for the **creation of a federal archaeological protection service**. Piotrovsky says the illegal sale and export of cultural artefacts is a growing problem in Russia.

## Jomon theft

*June:* A 20-centimetre-tall **Jomon bowl** was **stolen** from an open-topped display case in the Fujimi Municipal Mizuko Kaizuka Museum by a visitor, during opening hours. The thief rearranged the order of nine other pieces in the display to disguise the loss.

## New York sale postponed

An auction of 2000-year-old antiquities including Chinese porcelain and pottery retrieved from a shipwreck off the coast of the Philippines, to be held at **Guernsey's in New York** has been **postponed** due to an investigation into whether salvager Phil Greco had the **right to excavate the site**. Greco maintains that his company, Stallion Salvage, had legal permission from the Philippine National Museum to carry out the excavation and that objections to the sale are not due to criticism of his excavation techniques, but rather the re-



sult of jealousy of the money he will reap from the sale (*The Mercury News*, 5 August 2003). The National Museum denied that Greco had been given permission to excavate and demanded that the porcelain be returned.

## Vietnamese antiquities in danger

- Archaeologists, previously denied permission to excavate shipwrecks off the coast because of worries about inadequate technology and expertise, have now **begun a salvage programme**, since local fishermen have been looting the wrecks.

Five shipwrecks have been salvaged yielding tens of thousands of ceramic and porcelain pieces and providing information on the strategic importance of Vietnam waters for international trade routes.

- Meanwhile, authorities are also struggling to stem **looting on the ground**:
  - June and July saw a rash of **thefts of statues** and antiquities from Buddhist pagodas in **Ban Giang**.
  - On 24 July six 300-year-old statues were removed from **Duc La pagoda**, east of Hanoi. Thieves left two statues at the gate because their lorry was already overloaded.
  - In July, seven large statues were stolen from 400-year-old **Quang Thuong pagoda**, while two other pagodas in Ban Giang were burgled earlier in the year.
  - Customs officials reported that around 7000 antiques and antiquities are seized from potential smugglers at Vietnamese border points every year.

## Indian Buddha theft

An important **Buddha sculpture** was found to be missing during a routine check by De-

partment of Archaeology guards in September. Police believe at least six people would have been needed to lift the 200 kg statue from the site of Pahnigiri, Nolgonda District, and that about a dozen people must have been involved, possibly with insider collusion. Efforts are now being made to **remove other antiquities** from the site to safer locations.

## Asian report: Cambodia and looting of Chinese royal tomb

In a **detailed report on looting in Asia** (*Time Asia*, October), Hannah Beech uncovers many interesting facts, including:

### *Cambodia:*

- Early in 2003, Michel Tranet of Cambodia's Ministry of Culture and Fine Arts, stopped a **Frenchman from bribing Cambodian customs** officials to let him leave the country with an eighteenth-century Buddha stolen from a pagoda in Posat Province.
- Tanet sees **smuggling via foreign diplomats** as a constant threat, especially alleged smuggling by one particularly powerful Western diplomat.
- In March **looters reached the remote jungle site of Kbal Spean** where rocks are carved with eleventh-century bas relief. They used electric saws to remove the faces of Vishnu (estimated initial selling price in Bangkok, \$50,000) and Lakshmi (which shattered while being removed, the remains were found nearby). No arrests have been made.
- The country's chaotic political history and current climate, corruption and bribery and severe lack of resources and trained staff are highlighted.

### *China:*

- The Chinese National Cultural Relics bureau says that over the past five years at least **200,000 ancient tombs** have been broken into.



- Beech recounts the adventure of tomb raider Feng who, for \$45 payment, with his uncle and another villager, over a few nights, broke into and **looted a Tang dynasty tomb** of five terracotta animals (worth about \$10,000 in the West).
- **Middlemen and dealers are rarely caught** and prosecuted while looters pay a heavy price. Feng says one fellow raider who was executed made \$70, while the statue he stole resold for \$18,000 in New York.

The **looting of the tomb of Empress Dou** near Xi'an city is described.

- Five villagers (paid \$60 or more for a night's work), used crude digging and probing tools to locate the tomb and dynamite to break in.
- When they were arrested the tomb was left poorly protected and soon looted of at least 200 valuable items including **terracotta figures** like one of a painted female worth about \$80,000 in a Western saleroom.
- In February 2002, local dealer Wang Cangyan was arrested having shipped the 32 figurines to Hong Kong, hidden in trucks of modern ceramics. He is currently serving a reduced jail sentence for co-operating with authorities, while the figurines were returned from a Hong Kong dealer in return for keeping his identity secret.
- Other figurines from the **Empress Dou's tomb** believed by police to have reached New York via Switzerland within a month of the theft, were offered for sale at Sotheby's in March 2002 as 'the property of various owners'. Diana Phillips, spokesperson for Sotheby's said the auction house had a written warranty of good title from the owners, and the pieces were not recorded as stolen in the Art Loss Register. They were eventually pulled 20 minutes before the sale following a written request from the Chinese ambassador.
- The statues were returned to China in a June ceremony and are now on display in a Xi'an museum.



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# The Battle for the Past

EDWARD KROWITZ

A reasonable assessment of the health of the patrimony is that we are losing the battle to preserve the edifice of history. From the uprooting of Maya stelae from the jungles of Central America to the dismantling of the statuary and friezes of Angkor in Southeast Asia, humanity's patrimony is fast disappearing. Worse still, in its place, the manufacture and acceptance of newly minted history are thriving and distorting the perception of the past, no less a fiction than a Disney remake of history or an Oliver Stone documentary.

If we accept any of the above statements as valid, then we cannot also hold the view that the present mechanisms for controlling the theft and trade in smuggled antiquities are working. Despite the few instances of incarcerated malfeactors and some items repatriated, the system of legal redress has been unable to stem the clear-cutting of the cultural past. We must conclude therefore that the network of enforcement systems comprised of international repatriation agreements, the civil and criminal punishment codes of nations, and international treaties has proved insufficient to protect the past.<sup>1</sup> History is rich in successful prosecutions beginning with Cicero's prosecution of Gaius Verres in 70 BC, for his rapacious looting of Greek art and statuary while Roman proconsul of Sicily. The nineteenth-century Lieber Code regulated the behaviour of military forces in protecting cultural works. Subsequently, there are the divergent approaches taken by local laws, exemplified by the application of the US National Stolen Property Act of 1934 to the illegal antiquities trade and the many international conventions such as the 1954 Hague Convention (for the Protection of Cultural Property in the Event of Armed Conflict), the 1970 UNESCO Convention (on Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property), and the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects. All have attempted but collectively failed to stem the tide. All were to have transcended the

particularisms of national regulations, but were unable to foil the private appropriation of the collective patrimony. The missing antiquities columns of this newsletter are an eloquent testimony to that sad fact.<sup>2</sup>

The simple faith in nations and institutions to act contrary to their economic and financial self-interest can hardly be tempted to think itself out of its box. Despite the legal superstructure, the 'cultural heritage of all mankind' (as cited in the preambles to both the 1954 and the 1970 UNESCO Conventions) is disappearing. What is agreed to be collectively owned is being appropriated for the private consumption of individuals and institutions. In that process, the story of the past, embedded in the context and find-sites of artefacts, is erased through the rush to own and display. But without a voice to raise in the marketplace, future generations who are also part-owners of the patrimony have been quite literally robbed of their property and history.

To understand why our legal and international framework of laws and treaties has been ineffective in stemming the tide, one has to investigate why these systems have failed and what might be done. For that, we must understand the marketplace which facilitates the trade in these objects.

If there is one characteristic that distinguishes economists from mere mortals, it is their understanding and admiration of how markets work. Energized by unfettered self-interest, we are all motivated to produce and acquire what meets our desires. Prices move the process along efficiently. A person desiring a gizmo can buy it at a price, which after the trade reflects the satisfaction of both buyer and seller with the transaction. It is tautologically true that under these conditions, the total sum of satisfaction of all parties is at the highest level in unfettered, unconstrained trade. Otherwise, unsatisfied sellers would wait for higher prices and buyers would sit on their hands awaiting lower prices. From this emerges an enduring principle: when individuals pursue their own aims and interests in a market, the outcome measures the benefits and welfare of all, and in certain cases it is the highest amount of welfare that society as a whole can achieve — a so-called Pareto optimal condition. Although the idea is still controversial among the



religious, morally positive outcomes emerge from unrestrained individual pursuit of self-interest.<sup>3</sup>

Two blemishes mar this garden of perfection. First, markets work but only if the rules of the game are set and everyone abides by them. Second, some goods belong to no one and everyone at the same time, so-called public goods: the ocean fisheries, unpolluted air and water, national defense, the electro-magnetic spectrum, and, for some, the cultural heritage, both in its material and aesthetic manifestations. The question immediately arises, whether these goods also should enter the marketplace to be traded like other goods, particularly as not all owners are able to participate in the bidding. Here the two imperfections converge.<sup>4</sup>

The marketplace is not a morally free zone. It is a mechanism to allow people to efficiently satisfy their wants. But some wants are considered bad by some people while others are, at best, indifferent. Some countries diligently monitor the illegal trade in antiquities and do their best to quash illicit trading, while others neither sign international treaties nor erect national barriers to the trade. Moral constraints are needed regulating these 'immoral' markets, it is argued, to prevent bad behaviour and to achieve universal happiness: security of one's property, enforcement of contracts, and deterrence of false trading, among other evils. Can all these conditions be met without a moral and punitive legal enforcement system for those who would do bad things? And if so, who sets the rules and what system of enforcement is fair, honest, and deters rule breakers?

If the heritage was like any other private asset, its integrity could be assured by the tort and criminal law systems already in place. Property owners would have an interest in financing protective security arrangements and could also take transgressors to court. But since the cultural heritage is uniquely a public trust, a so-called public good, it is endowed with attributes that make its protection problematic and solely dependent on the state as its defender and protective rule maker. Like other public goods, the patrimony has unique characteristics: firstly its non-excludability — the enjoyment of the cultural heritage is wide spread, enjoyed by multiple consumers without detracting from enjoyment by anyone else; secondly, its non-rivalness — con-

sumer access and benefits are difficult to deny others once the good has been provided. The highways and the court and judicial systems are classic examples of public goods, as are national defense and education. The benefits of a well-educated work force spread beyond the improved welfare of the individuals concerned, increasing the productivity of society as a whole.

These characteristics have major implications. For a rational consumer, since benefits can be enjoyed and not easily denied, spending to secure the public good can be skipped without loss of benefits. The United States perennially complains of its 'unfair' share of the costs of NATO defense while treaty partners enjoy the treaty's protective umbrella without increasing their own defense spending. For similar reasons, expenditures on education and the judicial system can be expected to fall below optimal levels. It is not surprising therefore that funds for protecting the heritage are in short supply. Also not surprisingly, preventative expenditures fall below the level needed to deter illegal trade. Deterrence then falls to punishment meted out by the judicial system. But judicial punishment is a weak and infrequently invoked power.<sup>5</sup>

As with the protection of other public goods, prosecutions will fall sharply below the level needed to deter potential wrongdoers as long as the returns to enforcement agencies fall below the cost of prosecutions. Similarly, offenders can be expected to take advantage of insufficient enforcement efforts. As long as the profitability of the trade remains strong, the possibility of punishment will be ineffective in deterring new entrants to the unseemly business. Some level of crime and plunder seems to be acceptable, reflecting society's unwillingness to either increase the likelihood of conviction or its severity — the two deterrents of crime. 'Hang them all' is unlikely to receive unreserved endorsement from the general populace.<sup>6</sup>

A rational actor balancing the probability of punishment and potential enrichment will most likely view the threat from an under-funded enforcement effort as less likely than the probability of making large gains from loosely secured heritage sites. The corrective remedies of return and restitution provide relief only in cases of the highly valuable and most renowned, such as the



'Lydian Hoard', the 'Steinhardt gold phiale', and high profile statuary, e.g. the Theban Triad returned to Egypt and the Phanomrung lintel returned to Thailand. These, however, are the exceptions. In the case of the 'Sevso Silver', restitution was unsuccessful despite lengthy litigation. The expense of legal proceedings, arduous legal manoeuvrings, and the practical difficulties involved in applying complicated and conflicting antiquities law and determining the true national origins of artefacts deter litigation for all but a few items of dazzling beauty and fame. But even when repatriated, no court-made remedy can replace the context lost in looted artefacts.<sup>7</sup>

Thus, the most efficient policy is one to diminish the profitability of the looting enterprise. At the same time, to alter the balance of forces favoring rule breakers, the strength of private self-interest can be enlisted to strengthen the security of archaeological sites. The policy issue thus becomes one of devising incentives to redress the imbalance.

To put a brake on the debilitating consumption of resources in other areas of public goods, regulators have sold entitlement rights enabling private parties to use these goods at a price. Previously, relatively costless exploitation has depleted fishery stocks and allowed acid rain to destroy waterways.<sup>8</sup> Auctioning access to public goods raises the cost of use, moderating consumption of the resource and providing a new revenue source for conservation efforts. Bidding for these entitlements has: 1) provided an incentive for private parties to secure rights of access against infringement from non-payers; 2) reduced the overall amount of consumption; and 3) provided additional revenues to the state.

As an example of the third rationale, proceeds from the auctions in 1995 and 2000 for third-generation mobile phone licenses in the US and Europe provided large revenue windfalls for the governments involved. Tradeable property rights for exploitation of fishery resources are proliferating throughout the world's fisheries (Iceland, New Zealand, Australia, the Netherlands and Norway) and for power plant emissions in the US. These policies led to sustainable levels of fishery harvests and a reduction in sulphur dioxide emissions (a main culprit in acid rain) from

power plants in the American Midwest.<sup>9</sup>

Similarly, the looting of the heritage, now going unmonitored and unregulated, can be refashioned into responsible excavation practices. Here, potential archaeological sites are the resource at risk and its exploitation is the helter-skelter looting of the artefacts. The proposition is straight forward: the state opens to auction the limited excavation rights to potential archaeological areas under the supervision of state-employed professional conservators to record and preserve the context of finds. The reward to auction winners is the property right to own what is found subject to the state's pre-emptive right to retain or bid for finds of prime interest. Various potential sites come to mind in the American Southwest, Central America, the Middle East, and Southeast Asia, as well as the usual treasure lands of the Mediterranean littoral.<sup>10</sup>

Essential here, and not present in the other examples, is the need to record and preserve what is uncovered. Some finds are kept by auction winners; others retained by the state. The methods employed can be restricted by legal covenants and the excavation process itself overseen by professional archaeologists. Successful bidders would abide by contractual agreements in order to maintain access to subsequent auctions. To preserve the value of their rights, they would also have an incentive to monitor site integrity to exclude free booters. State regulators would then have financial resources not previously available to supervise the process, record the historical context now lost under present conditions, and preserve what is uncovered. With revenue proceeds, the state could also bid for finds which are considered an essential part of the national patrimony.<sup>11</sup>

Under the new process, larger numbers of artefacts would find their way to the marketplace with their context intact. Pieces without a find-site tag coming onto the market would become *prima facie* suspect with would-be sellers bearing the burden of proof of authenticity. With protection comparable to copyright and patent law, auction winners cloaked with the imprimatur of a state-authorized property right could enlist the courts to prevent the dilution and potential loss in value of their permit holdings from the marketing of fake and unauthenticated pieces by



invoking the power of injunction and indemnity.

Much hard work lies ahead to devise details appropriate to the problem: determining the structure of the auction mechanism appropriate to the geographic nature of each site, the character of the market, the monitoring and supervision process, the process of selecting items pre-empted by the state for retention, and recruiting a core of supervisory archaeologists.<sup>12</sup> With a mechanism available, however, there is now less reason to watch helplessly as the past vanishes.

## Notes

1. For the latest volumes documenting the extent and seriousness of the problem see Brodie *et al.* (2000) and Brodie *et al.* (2001).
2. An extensive recitation of existing national laws and international treaties is found in Mackenzie (2002), 129–36, and Brodie *et al.* (2000), 31–42. An earlier outline of legal protection for cultural property in the US is also described in Gerstenblith (1995) and Gidseg *et al.* (1999). Both articles also reveal the legal loopholes. Mackenzie's conclusion echoes the findings of other legal experts:

In this field [illicit antiquities trade], law seems to be creating problems rather than solving them. Ineffective prohibitions by source States combined with complex and hugely expensive civil mechanisms for recovery of looted artefacts, all amount to a system of legal governance which is demonstrably failing to stop the plunder (Mackenzie 2002, 160–61).

Corroborating the inadequacy of the legal mechanism is Spiegler & Kaye (2001, 131), who note the prohibitive costs of legal redress and Borodkin (1995, 399–405) who cites among other difficulties the costs of lengthy and drawn-out court proceedings which deter redress through the law.
3. The welfare theorem of economics (as amended by Coase) says that if everything is tradeable then no action is possible to improve consumers' welfare, a so-called Pareto-efficient outcome. See Farrell (1987), 113–14.
4. According to the Coase theorem, if property rights are assigned clearly, individuals have an incentive to work out efficient economic arrangements. The 'Tragedy of the Commons', such blights as depletion of non-renewable resources, excessive grazing of common land, excessive fishing in international waters, pollution of the environment, etc. result from the failure to assign property rights. See Stiglitz (1994, 11). Stiglitz also cautions that the absence of property rights may not always be the central problem (Stiglitz 1994, 12). Two other factors, imperfect information and high transaction costs are implicated in inefficient outcomes.
5. See Pastore (2001) for both the inadequacy of resources for preventative security measures and insufficient deterrence of punishment: under the Italian penal code, 'the theft of archaeological artefacts from the subsoil is punished as simple theft, less serious than theft from the supermarket' (Pastore 2001, 155).
6. Polinsky & Shavell (2000) cite the low likelihood of arrest for the following crimes (1997 data): burglary, 13.8%; automobile theft 14% and arson 16.5% (71, n. 77). They conclude that these low rates reflect the higher costs that more intensive policing would involve. More generally, see Ehrlich (1996) and Friedman (1999) for the market theory of crime and crime control strategies. A mechanism explaining why a State may rationally choose to adopt a policy of tolerating illegal trade and collusion with mafias is modelled in Anderson & Bandiera (2003).
7. For some of the legal difficulties inherent in proving restitution, see Pastore (2001, 155). *Contra* Gerstenblith's assertion (2001, 245) that repatriation is an effective means of deterrence, see Mackenzie (2002, 130–31) for its ineffectiveness. Spiegler & Kaye (2001, 121) emphasize the obstacles in pursuing such cases even under a (US) court system and well developed body of law favouring recovery of stolen property. These hurdles, they conclude, make legal restitution a problematic resolution of the looting problem.

Greenfield (1996, 198) also expresses scepticism on the effectiveness of restitution. Among other problems, she cites difficulties in establishing criminal jurisdiction, extradition and lack of judicial cooperation in penal matters (Greenfield 1996, 258–9). One of the more egregious cases demonstrating the inadequacy of legal redress for restitution was the refusal of the House of Lords to enforce New Zealand export laws when the authorities attempted to recover looted Maori carvings from Sotheby's London and the defendant dealer, George Ortiz, despite the Lords' acceptance that the Maori Taranaki panels were indeed stolen. See also Mackenzie (2002, 130–31).
8. Official endorsement of this policy was sanctioned in the Council of Economic Advisors, *Economic Report of the President for 1998*. Academic endorsement is found in Sagoff (1998), Brown (2000), Hahn & Hester (1989) and Klassen (1996). Nausbaum (1992) describes one of the earliest applications in reducing lead additives in gasoline. A general and expansive treatment is in Tietenberg (1994) and Krautkraemer (1998).
9. A description of the successful outcome of the program for curtailing acid rain emissions is in Ellerman *et al.* (1997), Ellerman *et al.* (2000), and Joskow *et al.* (1998). Other endorsements are in Schmalensee *et al.* (1998), Stavins (1998), and Stavins & Whitehead (1997). Qualified dissents on income equity grounds are raised by Palsson (1998), Gustafsson (1998), and Helgason & Palsson (2001). Suggested application to curbing global warming is proposed in Intergovernmental Panel on Climate Change (2001), and McKibben & Wilcoxon (2002). One of the most recent applications of the mechanism by the US Government is its approval of leasing and trading in



radio spectrum licenses by wireless companies (see Labaton 2003, A1).

10. Some of the earlier arguments for an auction system are found in Borodkin (1995) and Perlstein (1996). The inefficiency and counter productiveness of current practices is found in Sax (1999, 166–7). The deleterious result of the present system of quasi-exclusive licensing is exemplified by the free-for-all battle between rival palaeoarchaeological teams and the imprisonment in Kenya of members of the team which had uncovered the oldest homind fossil yet found in Africa. See Balter (2001a,b), *Nature* (2001), and Pickford & Gitonga (2001).

11. A recent example of the successful application of the procedure for the control and supervised sale of cultural material with context and find site information intact is the Hoi An Hoard of Vietnamese ceramics dating from the fifteenth century with styles spanning a 150 year period. See Alder & Polk (2002, 51–2).

The Hoi An shipwreck was discovered by fishermen in the early 1990s off the coast of Central Vietnam. It is described as the most important find in Vietnamese ceramics to date. See Guy (2000) and Fay (2000). Soon after discovery, looters dragged steel nets along the sea bottom to dislodge pottery pieces and these began to turn up in markets worldwide. In mid-1997, the Vietnamese government authorized a local company, VISAL, in cooperation with a Malaysian salvage company, SAGA, to locate and search the wreck. They were given exclusive rights to excavate. Together with MARE, the Oxford University Maritime Archaeological Unit, the consortium retrieved 244,000 artefacts of which 150,000 pieces were intact. In exchange for their efforts and costs of approximately \$4 million, SAGA received 40% of all duplicate objects and shared with VISAL the proceeds of the auction of materials in the US. The Vietnamese government retained all ‘unique’ pieces and another 10% were selected for distribution to other museums in the country. See Fay (2000, Part One: The Excavation.)

12. See Klemperer (2002) for some of the difficulties in designing an appropriate auction mechanism.

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## The Battle for the Past: Comment

MORAG KERSEL & CHRISTINA LUKE

Krowitz's *The Battle for the Past* presents an analysis of the current state of cultural patrimony protection from the perspective of an economist. He asserts that we are losing the battle to preserve the world's cultural heritage, despite myriad international laws, treaties, local and national efforts, civil and criminal punishments and glo-

bal enforcement systems. His solution centres on auctioning the right to excavate sites, with some finds becoming property of the excavator, and others remaining in the country of origin. This proposal is tantamount to legalizing the trade in antiquities, rather than thwarting it, thereby opening up a legitimate market for the benefit of those wishing to purchase items with a secure provenience (see also Merryman 1995).<sup>1</sup> The aim of this comment is to discuss some of the key issues raised by his article.

Krowitz doubts the effectiveness of current laws aimed at protecting cultural patrimony, but we would like to highlight some of the positive effects such legislation has had on stemming illicit traffic of antiquities (see Coggins 1995; 1998; Gardiner in press; Gerstenblith 2001; Hersher 1989; Luke 2003; Renfrew 2000a). The 1972 Pre-Columbian Monumental or Architectural Sculpture or Murals Statute,<sup>2</sup> which prohibits the import of such material into the United States without a permit issued by the country of origin, has been an effective tool in diminishing its trade at the major auction houses. Recent customs cases document the success of the 1986 Convention on the Cultural Property Implementation Act<sup>3</sup> in the United States among other regulations,<sup>4</sup> and a number of major court cases have alerted looters, dealers, collectors and museums that they can be held accountable for purchasing, trading and/or exhibiting illicit antiquities.<sup>5</sup> The recent conviction of Fredrick Schultz (Gerstenblith 2002; Lufkin 2003a,b), for example, is expected to have a profound impact on the illicit trafficking of antiquities. New efforts by Interpol, the Art Loss Register and Object ID have focused on art and artefact registration and recovery of stolen items. Finally, the recent ratification of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property by Japan (2002), the United Kingdom (2002) and the implementation by Switzerland (Swissinfo 2003) in October 2003 — all major markets and, in the case of Switzerland and the United Kingdom, key transit countries — will change the international market for antiquities.

Krowitz's solution to protecting archaeological context is to auction the right to excavate sites in source countries, with the excavations pro-



ceeding under the supervision of professional archaeologists.<sup>6</sup> He argues that auctioning sites as potential treasure troves for artefacts will diminish the profitability of the looting enterprise. Krowitz considers the archaeological heritage to be an economic resource akin to the fishing industry, and that it can be managed accordingly. We take issue with his proposal in three ways. First, fish are a renewable resource, while archaeological context and artefacts are not. Second, auctioning archaeological excavation rights places an economic value not only on objects, but also on sites, further commodifying cultural assets (see Frey 1997). Third, auctioning the right to excavate sites and demanding known provenience and provenance of every cultural artefact assumes an exhaustive inventory of sites on the landscape as well as all antiquities<sup>7</sup> — Herculean tasks.

Implications that the looting of cultural property is currently unmonitored are false. As field archaeologists are well aware, the vast majority of source nations have established and now enforce stringent protective policies and regulations to combat illicit digging and to monitor ongoing legitimate excavations. In many Central American countries (e.g. Belize, El Salvador, Guatemala, Honduras, and Nicaragua) and Mexico, archaeologists applying for an excavation permit must be trained to MA level, and often to PhD, with several years' excavation experience. Obtaining a permit requires a well-developed plan outlining excavation goals and methods. In addition, archaeologists are required to address long-term conservation and care of the site and finds, and often to be involved in planning and identifying funding support for the development of sustainable tourism projects. Archaeologists from the respective ministries of culture (or similar organizations) monitor all excavation and museum research. In several countries, a national partner may be required before excavation can proceed and a percentage of the project's budget is often paid directly to the respective ministry of culture (or equivalent governmental body). In Turkey, for example, each foreign archaeologist requesting an excavation permit must have a PhD, five years' excavation experience in Turkey, and an institutional position. If an excavation permit is granted the archaeologist must provide proof

of funding for at least five years work, and pay for all excavation costs, storage of finds and site security. Furthermore, a professional Turkish archaeologist, paid by the foreign project, must be present on site at all times to represent the Turkish Ministry of Culture. In all of these countries, and most others, an interim report of all excavation and finds must be filed within a year of the respective excavation season.

These examples demonstrate that source countries do have professional archaeologists and contractual arrangements for monitoring the excavation of cultural patrimony, and that they do profit monetarily as well as culturally through the revenue and educational opportunities that accrue from site conservation, site protection and the development of sustainable tourism. And, foreign archaeologists stand to learn a great deal and enrich their projects through collaborative efforts with local communities, archaeologists and museums.

Krowitz suggests that by approaching the problem of illicit looting and trafficking from a monetary perspective we can legalize the market and at the same time satisfy demand, preserve context, and keep profits in the country of origin. He focuses on the naughty looters — those individuals who physically plunder sites and destroy context (Kennedy 2003). Yet while looters may cause the actual destruction, they do so because they have contacts in the 'market' (see Kirkpatrick 1992; Özgen & Öztürk 1996), and there is demand (Brodie & Doole 2001). The antiquities market is now so reliable that subsistence diggers, frequently out of extreme poverty, pillage in order to earn money to cover basic needs, such as housing and food for their families (see Matsuda 1998; Paredes 1998; Politis 2002). Collectors argue that by legalizing the market pillage would be reduced; archaeologists reply that the market has become so strong that pillage would continue at an increased rate with a larger market.

What is lacking from these analyses is serious research into collecting, particularly over the last thirty years, the period in which collectors and archaeologists have been confronted by new regulations and ethics regarding the traffic in antiquities (see Fagan 2000). A comprehensive study of market countries, taking into



consideration both transit points and major destination points (such as auction houses and galleries) as well as the general collector ethos has yet to be undertaken.<sup>8</sup> Market countries, particularly European countries, often function as locations where illicit objects are laundered; that is, where title is transferred and provenance created prior to launch on the U.S. market (Kersel 2003; Alder & Polk 2002).<sup>9</sup> Collectors contend that artefacts with a known context are more valuable and sought after, but we are unable to find reference to a true archaeological context (horizontal and vertical) in any major auction catalogue for antiquities. Hence, we pose a question to Krowitz: if a true microeconomic analysis with a focus on auctioning artefacts with context is to be the best model for dealing with the trade in antiquities, where is the data on which to base our framework? Economic supply-and-demand driven models support Merryman's statement: 'collectors are necessary to the market because they provide the bulk of the demand, a demand that, if not met in the licit market, will continue to be supplied by the black market' (Merryman 1995, 29). But by objectifying human agency as 'demand', collectors and dealers escape accounting for the contribution made by practices to the destruction of archaeological landscapes, and historically they have not placed great importance on professional archaeologically documented provenience when purchasing antiquities. Krowitz's model suggests archaeologists, countries of origin, and local communities should embrace the auctioning of archaeological sites and the eventual sale of cultural patrimony in the marketplace under the guise of helping them (i.e. source nations and local communities) protect and preserve their archaeological past. He suggests that the source nations can use the proceeds of their excavation auctions to buy back 'essential parts of the national patrimony'. Presumably this means that nations can purchase items that were taken long ago and not those pieces sold as a result of his proposed excavation auction!

A fundamental difference in attitude and perspective is reflected in Krowitz's approach. To those trained in archaeology, whether in an anthropological, classical or historical tradition, the focus is on the association of artefacts with each other and their contexts. Krowitz's sugges-

tion that artefacts should be separated and scattered across the globe underscores an important misunderstanding of the international protection enterprise. His suggestion regards individual artefacts as intrinsically valuable, with sites reduced to artefact repositories, and the importance of maintaining the integrity of artefact assemblages for future analysis or examination is not considered. In contrast, archaeologists focus on the context of features and artefacts, maintaining assemblage integrity, preservation of the archaeological landscape, and public access to all finds (see Chippindale 2000; Chippindale & Gill 2001; Coggins 1995; 1998; Elia 1993; Gill & Chippindale 1993; Hersher 1989; Pendergast & Graham 1989; Reents-Budet 1994; Renfrew 2000b). Supply-and-demand models also ignore the historical, symbolic and spiritual meanings that are at the heart of the antiquities trade and tourism for many source countries and archaeologists (see Frey 1997; Mason 1999; Pyburn & Wilk 2000; Silverman 2002; Warren 1989; Watkins *et al.* 2000) and highlight the number of different and sometimes conflicting ways of evaluating cultural heritage. As Gloria Hasemann has argued 'cultural significance cannot always be *understood* by outsiders, even when it can be *recognized*' (1996, 2, emphasis original).

Until we can answer questions concerning the size and scope of the current antiquities market, the importance of provenience to the collecting community,<sup>10</sup> and what existing examples of legalized markets tell us about the benefit of such a system (Hollowell-Zimmer 2003; Kersel 2003), protection efforts must continue to focus on international and national legal frameworks for cultural property protection. It is also important that collectors, dealers, archaeologists, ministries of culture, museums and the public begin a more informed dialogue on how best to achieve protection of this precious non-renewable resource (see Hersher 1989; Messenger 2000). Rather than continuing the commodification of cultural patrimony, collaborative projects with local populations focused on both education and scientific research goals (see Brodie 2002; Pyburn & Wilk 2000) and long-term loan exchanges (see Gardiner 2003a) are essential to our mutual understanding and respect of these so-called public goods. True integration and partnerships focused



on preserving, investigating and interpreting the past can be achieved only if every stakeholder comes to the table with the desire to preserve archaeological heritage, free of personal and political agendas.

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## Notes

1. We define provenience as an artefact's context and provenance as the artefact's recent history.
2. 19 U.S.C. 2091–5.
3. The Convention on Cultural Property Implementation Act implements articles 7b and 9 of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property in the United States.
4. A few of the most recent cases have dealt with seizures and returns of material from El Salvador (Gardiner in press; Ortiz-Cañas 2001), Honduras (Mayhood 2002; VOA 2003), Guatemala (Green 2003; Ramírez 2003), Bolivia (El Diaro 2003), Peru (Bardwell 2003; KUHF 2003; Associated Press 2003). The *McClain* doctrine, *Schultz* case and *United States v. Pre-Columbian Artefacts* have focused on violations under the United States' National Stolen Property Act.
5. *Republic of Turkey v. The Metropolitan Museum* (Özgen & Öztürk 1996); *McClain* case (*United States v. McClain* 1979); Sipan (Kirkpatrick 1992); Getty Kouros (Renfrew 2000a, 40–42).
6. Nowhere does Krowitz state that those receiving the rights to excavate sites should be trained archaeologists themselves, only that their activities should be supervised by professional archaeologists. He also implies that such professional monitoring is not currently protocol in most countries.
7. Krowitz implies that under his proposed model those selling antiquities (or forgeries) not vetted by the respective country of origin could be prosecuted for infringement on the auction winners' rights; thus, any new legislation would have to be retroactive. He offers little guidance, however, on how to accomplish the global task of inventorying all items in excavation depots, museums and private collections.
8. The antiquities business supposedly runs to \$5 billion a year (see Bowen 2003).
9. Ongoing research by Kersel of Israel's antiquities market — one of the few countries with a legally sanctioned market and a clear destination and transit point for material from the Middle East — will address the question of how a legal market impacts the looting of archaeological sites.

10. A growing number of studies point to direct connections between the loss of context and pillage of specific artefacts due to the market (see Luke & Henderson 2003; Roosevelt & Luke 2003; Gilgan 2002; Elia 2001; Wylie 2000; Özgen & Öztürk 1996; Vitelli 1984).

## The Battle for the Past: Reply

EDWARD KROWITZ

Kersel and Luke (hereafter K&L) are right on one point and wrong on most others. They're right: we don't know the extent of the problem; but K&L won't even consider alternative solutions without exhaustive research studies. Until they get perfect knowledge, they want to rely on legal restraints and moral persuasion. If not knowing the extent of the problem is to stop remedial efforts, vaccines would never get produced to fight infectious outbreaks for instance (think SARS). Sufficiency not certainty should be the watchword.

*Markets.* K&L confound the role of markets. They approvingly cite studies blaming markets for the loss of antiquities (their note 10) — akin to blaming the moon for tidal erosion. My concern is to stop the erosion of the cultural heritage. Engaging the moon or other heavenly bodies or, as they suggest, stakeholders in an educational improvement dialogue has not solved the problem in the past and is unlikely to do so in the future.

*How much is too much?* K&L pronounce themselves delighted with the Schultz conviction and the current legal structure on which they predicate a rosy future of a loot-free international market. Where is the evidence that the Schultz case, for instance, has alerted anyone to desist? Since K&L profess themselves ignorant of the amount of looting, how will they be able to measure improvements to deterrence? K&L follow the sure fire formulae for successful predictions: omit quantities or a timeframe.

A more profound objection: they say source nations have established and enforce stringent anti-looting regulations. At the same time they assert villagers turn to looting to convert their caches to cash because 'the antiquities market is



now so reliable'. K&L cannot have it both ways: the present enforcement framework is either adequate or looting is still a serious problem.

If thought adequate, it is hardly effective. For example, in the US, the serious crime most likely to result in arrest is arson, with only a 16.5 per cent arrest rate (my note 6). Translating this to detecting looting means that over 80 per cent of looting crimes will go unpunished at best. In the real world, archaeological theft in Italy is treated as a less serious crime than supermarket theft (my note 5).

**Solutions.** K&L recommend education and dialogue. As the presiding judge in the Schultz case observed, the defendant may be a good family man, with many testimonials from pillars of society to his outstanding character. What education program do they recommend for Mr Schulz? In reality, he, like the subsistence villagers cited by K&L, is motivated by financial self-interest. Change the incentive structure — don't try to reform moral character — and the illegal antiquities business can be deterred.

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# Culture *Without* Context



The Newsletter of the Illicit Antiquities Research Centre

Issue 14, Spring 2004

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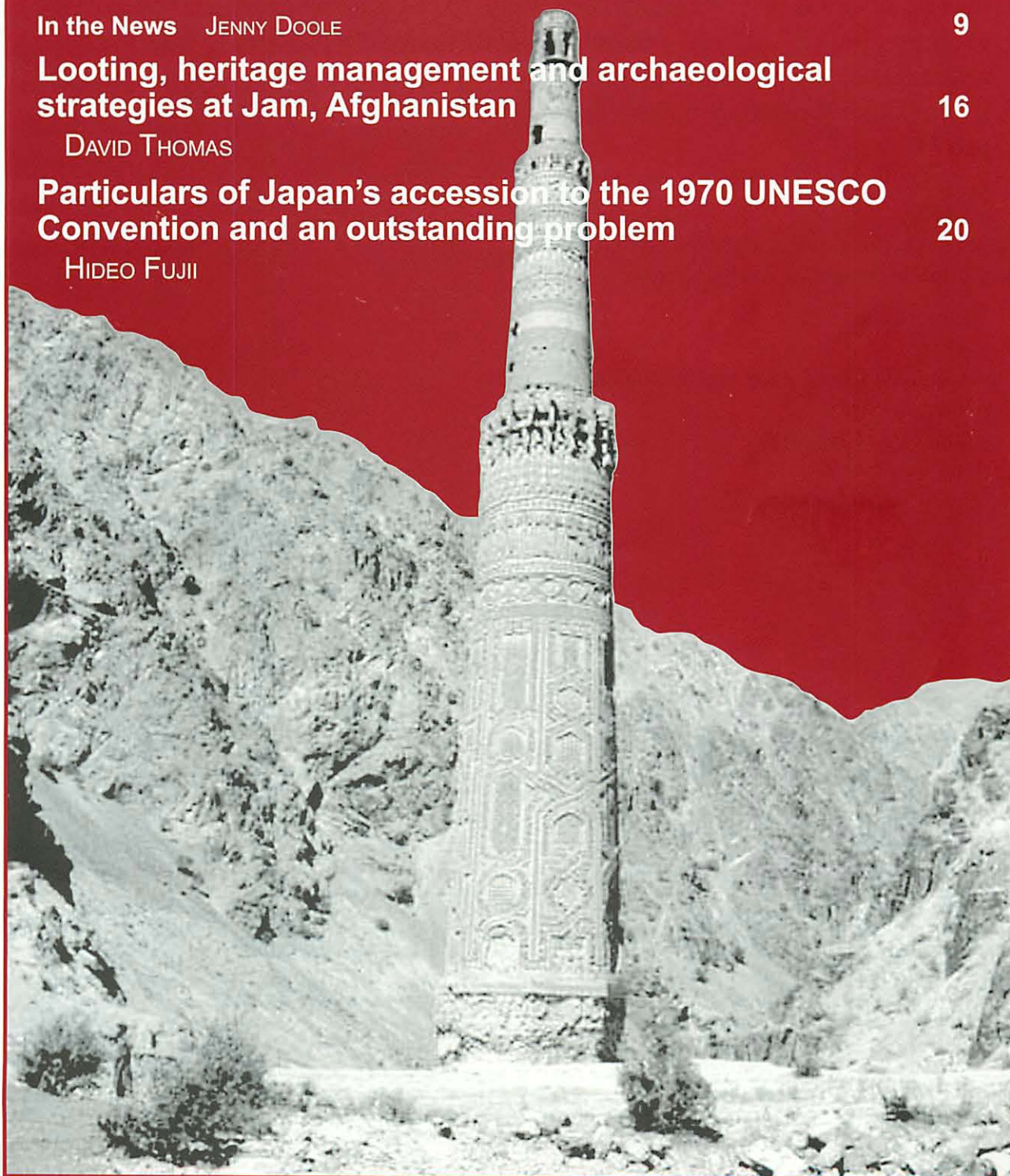
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The Illicit Antiquities Research Centre is a project of the McDonald Institute for Archaeological Research.



## Illicit Antiquities Research Centre

The Illicit Antiquities Research Centre (IARC) was established in May 1996, under the auspices of the McDonald Institute for Archaeological Research in Cambridge, England, and it commenced operations in October 1997. Its purpose is to monitor and report upon the damage caused to cultural heritage by the international trade in illicit antiquities (i.e. antiquities which have been stolen or clandestinely excavated and illegally exported). The enormous increase in the volume of this trade over the past twenty years has caused the large-scale plundering of archaeological sites and museums around the world. The IARC will raise public awareness of the problems caused by this trade and seek appropriate national and international legislation, codes of conduct and other conventions to place restraint upon it.

*Culture Without Context* is published twice-yearly. The next issue will appear in autumn 2004. Subscription details are available from:

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Front cover. *Minaret of Jam* (see p. 16).

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ISSN 1464-1925

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Correspondence relating to all aspects of the legal and illegal trade in antiquities is welcome; we will make an effort to print reasonable, non-libellous letters. No unsigned letters will be printed, but names will be withheld upon request.

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Printed by BluePrint, Coldhams Road, Cambridge, UK, CB1 3EW.  
Tel: +44 (0)1223 472400



## Editorial

In October 2002 a man was arrested for illegally digging on the Roman site of Cunetio, in Wiltshire. At the time of his arrest he had in his possession 25 coins and 3 other artefacts. Unfortunately, in April 2004 the Crown Prosecution Service (CPS) decided not to proceed with the case on the grounds that it was not in the public interest, possibly because of the low monetary value of the recovered artefacts — about £50 in total. The CPS's decision is regrettable as it sends a clear signal to nighthawks that their illegal activities will be tolerated, and the decision will also discourage the police from taking action in similar circumstances. From an archaeological perspective the decision is nonsensical as the damage caused to an archaeological site in terms of lost information cannot be judged from the monetary value of removed artefacts alone, and while it continues to be judged in those terms it will be difficult to convince the CPS or the police that illegal digging is a serious offence.

In the United States, the solution to this problem was recognized as long ago as 1979 and is enshrined in the Archaeological Resources Protection Act (ARPA). ARPA introduced the concept of 'archaeological value', which is defined in regulation 14(a) of the Act's Uniform Regulations as

... the costs of the retrieval of the scientific information which would have been obtainable prior to the violation. These costs may include, but need not be limited to, the cost of preparing a research design, conducting field work, carrying out laboratory analysis, and preparing reports as would be necessary to realize the information potential.

In other words, when an archaeological site is illegally dug, a monetary value is placed on the actual damage caused by assessing how much it would have cost to excavate the damaged area to a good professional standard. In the case of Cunetio, this would clearly have been more than £50, and the CPS might have taken more notice. The concept of archaeological value seems to have been overlooked in Britain, although it was reaffirmed in US law in 2002 when it was incorporated into a Sentencing Guideline for cultural heritage offences, under the 1984 Sentencing Reform Act.



This issue's 'In the News' highlights the activities of the New York- and Geneva-based Aboutaam brothers. Three Egyptian limestone stelae and an Iranian silver rhyton have recently passed through their hands, all of questionable origin, and it is depressing that in both cases academic or other professional 'experts' were available to identify, authenticate and publish the material. Some experts seem to have been duped into offering an opinion, others were willing collaborators, but they have all helped to provide previously unknown material with the makings of a good provenance, and in so doing have helped launder it. Most professional codes of ethics or practice specifically forbid commercial involvement of this type, and so it is regrettable that a small number of academics, museum curators and conservators continue to ignore the good advice of their peers and involve themselves in the laundering of unprovenanced artefacts. Not only do they damage the reputations of their respective professions, they ensure the continuing profitability of the illicit trade.



It is a pleasure to report the launch in the USA of the SAFE — Saving Antiquities for Everyone — website, which describes itself as the 'online resource that highlights issues related to cultural heritage and its vulnerability to looting and the illicit antiquities trade'. SAFE is a non-profit volunteer organization and is the brainchild of a group of communications and media professionals under the leadership of Executive Director Cindy Ho. The website is bright and well-designed and features articles on archaeological looting, a series of discussion fora, and details of educational initiatives. Check it out now. SAFE is at <http://www.savingantiquities.org/>.



In November 2003 ICOM released its *Red List of Latin American Cultural Objects at Risk*. It was drawn up in April 2002 in Bogotá as reported in issue 12 of *CWC* and contains descriptions and illustrations of 25 categories of archaeological and historical material that are under threat from looting and theft. The Red List can be viewed on ICOM's website at <http://icom.museum/redlist/>.



# Making money from buried treasure

JEROME C. ROSE & DOLORES L. BURKE

Trying to make money from buried and other treasure is not a natural way of making a living. (Ibn Khaldûn 1377)

In spite of Ibn Khaldûn's fourteenth-century admonition, things have changed little from his time to ours, and the antiquity of tomb robbing is made clear when he states that in Coptic times 'graves afforded opportunities for treasure [hunting and have continued to do so] down to this time' (Ibn Khaldûn 1377, 326). Neil Brodie (1998) wrote about the middlemen in the illicit antiquities trade, comparing their profits with those of the dealers at the upper end of the finding-selling chain. Our interest here is the bottom of that chain, the tomb robber.

We became interested in the activity during eight years of excavation in north Jordan, where our sites were replete with robbed tombs, and we wondered about the attraction of old graves in at best middle-class communities, where the gains could not be expected to amount to much and the risk of arrest by the police was always present. 'On-the-street' prices for the kinds of objects found in the tombs did not seem sufficient to provide much of a livelihood, even

as a part-time supplement to other work. Our curiosity led us to an attempt to quantify the effect of tomb robbing in north Jordan, on both the individual and societal levels.

First, we set out to talk to tomb robbers. Having located seven local tomb robbers, we engaged in informal discussions that yielded some information about the economic contribution that grave robbing makes to their incomes. It is clear that chance influences their success as we were told that sometimes they would make \$1600 in one year and other times almost nothing. Financial success appeared to result from finding a few very rare pieces, of which the most valuable were glass plates and vessels. One informant claimed to have been paid \$1120 for a plate and \$4800 for four glass vessels. Another claimed to have been paid \$640 for nine glass vials. These prices seem somewhat fanciful, but could very well represent the highlights of their tomb-robbing careers. There was considerable agreement among the seven robbers about the payments for small items, averaging \$7 for large Roman and Byzantine bronze coins, \$15 for bracelets, \$10 for finger rings, \$15 for copper alloy bell pendants, crosses and keys, and \$7 for ceramic slipper lamps. We were told that gold artefacts were bought at \$56 for each gram; the amount of gold in each gold foil earring common in the tombs is between one and two grams, thus yielding a rough average value of \$84 for each earring. These figures are constructed from conversations, and therefore are limited by what

our informants chose to tell us, but they are reasonable and useful as rough estimates.

The second step was to arrive at a figure for the quantity of robbed tombs. Although robbed tombs are ubiquitous in the rural landscape of north Jordan (see Fig. 1), it is difficult to estimate the extent of the damage because few of the archaeological publications report counts of robbed tombs, noting only (and always) their presence at a site. To develop an estimate of the extent of the problem, we undertook an informal walking survey of six Late



Figure 1. Robber hole leading down into a robbed tomb.



Roman–Byzantine sites in the Irbid–Ramtha area to the west of the Amman–Ramtha highway. The survey identified 570 robbed tombs, or an average of 95 robbed tombs per site, with a range from 15 to 200 tombs (see Fig. 2). Beyond the parameters of this survey, we can report that to date every Late Roman–Byzantine site in north Jordan that we have visited has contained numerous robbed tombs.

Roman–Byzantine tombs can be roughly divided into two basic categories, of multi-person and single-person tombs, and here we encountered a problem. Because the robbed tombs are mostly filled with dirt and debris, as well as being obscured by vegetation growing within their entrances, it was frequently not possible to determine if these counted tombs were for single or multiple individuals. It was necessary to determine the proportion of these two tomb types if we were going to estimate the potential artefact contents and ultimately the total economic contribution of tomb robbing to the local economy. Consequently, we turned to the published literature and, more importantly, to the excavation data from the joint University of Arkansas–Yarmouk University bioarchaeology field school, as described below.

The single- and multi-person tombs may be further divided into categories of horizontal and vertical shaft tombs. Horizontal chamber tombs with various combinations of arcosolia, loculi, and stone-cut graves, as well as vertical shaft tombs with stone-cut graves and loculi are well known from the archaeological literature of Jordan. Krug (1998) has taken the Roman–Byzantine tomb data from the site of Hesban and supplemented it with the published archaeological literature from throughout Jordan. Thus we have easily accessible data for counting the tombs, but unfortunately, Krug's type II (or horizontal shaft tombs ending in a loculus or chamber) are poorly represented in the literature. These tombs have an entranceway cut into the hillside and then a doorway leading to a single loculus or small chamber. Krug (1998) characterizes them as usually containing only a single



**Figure 2.** Cemetery on wadi edge with numerous robber holes, as seen from above.

person with a paucity of grave goods. And further, there are only ten tombs from the published literature in this category — seven from Abila and three from Hesban. At Hesban, there are two tombs that date to the Early Roman period; at Abila there are five dating to the Early Roman period, four to the Late Roman, and one to the Byzantine. The loculus tombs (and in particular Tomb G3) from Jericho also fall into this type and are dated to the Roman period (Bennett 1965, 521). In contrast to the scarcity of this tomb type in Krug's data base, the horizontal shaft tomb ending in a single loculus may very well be the most common tomb type in north Jordan, and in particular the Irbid–North Jordan Valley archaeological area (after Palumbo 1994). Thus, we have had to turn to our own excavation data to discuss this tomb type further within the context of tomb robbing.

The joint University of Arkansas–Yarmouk University field school project has found the single-person horizontal shaft tomb to be the most common type at the three sites excavated to date: 87 per cent of the excavated tombs at Sa'ad to the south of Irbid; 88 per cent at Yasileh to the east of Irbid; and 67 per cent at Ya'amun to the southeast of Irbid, where all of the single-person tombs have not yet been found and counted. These tombs are commonly found in rows along hillsides facing a church and acropolis or along the wadi edges above the acropolis. For example, at Yasileh there are 257 horizontal shaft tombs within an intensively investigated area of 200 × 50 metres along the wadi edge (all of the soil



was removed to bedrock). These three excavated sites seem to be representative of the range of Roman–Byzantine sites, and indicate that on average 82 per cent of the tombs at a site should be single-person horizontal shaft tombs with an average of 142 per site. Saʿad is a small site and was probably in the bottom strata of both economic assets and the Roman–Byzantine settlement hierarchy. Yasileh is among the larger and more important sites in the region (al-Muheisen 1991), although not nearly the size of the Decapolis cities such as Jerash, Pella and Abila. Yaʿamun is intermediate between the two in settlement size and economic prosperity.

All three of these sites had been extensively robbed in recent times. All but three of the 269 horizontal shaft tombs at Yasileh have been robbed, while at Yaʿamun all of the 87 horizontal shaft tombs located to date have been robbed. The excavations at Saʿad were intensive, with all the soil removed from the necropolis hillside and every tomb discovered, and completed analysis of all data reveals that 77 per cent of the 69 horizontal shaft tombs have been robbed in modern times.

In addition to the single-person tombs, large multi-person tombs are also found at all three sites. They range from horizontal shaft tombs with stone-cut graves for multiple persons to horizontal chamber tombs with loculi and other burial receptacles. There are 10 multi-person tombs at Saʿad, making up 13 per cent of the total, while Yasileh has 38 multi-person tombs making up 12 per cent of the total, and Yaʿamun has 42 (33 per cent). The overall percentage of group tombs is 18 per cent, with an average of 30 group tombs per site. Because the numbers of robbed tombs are not reported in the literature, it is not possible for us to estimate how many such tombs are present at each site in Jordan, nor is it possible to develop any statistics concerning the proportion of single- and multi-person tombs at Roman–Byzantine sites in north Jordan. We are thus forced to use only our own data where we know that we have counted all robbed tombs.

The evidence provided above indicates that we could expect that large numbers of horizontal shaft tombs at all the sites in north Jordan are robbed. For example, using figures from the excavated sites suggests that 82 per cent of the 570 robbed tombs from the six-site survey should be

467 robbed single-person horizontal shaft tombs. Adding these to our excavated tombs gives us a grand total of 888 robbed tombs. Certainly, robbers are not going to expend this much effort on these tombs if they were as bereft of grave goods as we believed (Krug 1998).

The third step in our inquiry was an analysis of tomb contents (see Fig. 3). At Saʿad, which is the poorest of the three sites, we have 15 unrobbed tombs that contain both adult males and females along with younger persons, which enable us to reconstruct what might be found in horizontal shaft tombs. The proportion of different ages and sexes in these unrobbed tombs is normal and similar to the proportions for the total number of horizontal shaft tombs derived from skeletal analysis. Men seem to have little in the way of personal jewellery with perhaps a finger ring or a bracelet, with 57 per cent of the unrobbed male tombs having nothing. On the other hand, females (young and old) seem to have a range of materials, with poor women having a bracelet and one other item of jewellery such as a ring or necklace, while the richer women have a pair of earrings, a necklace often with a pendant, two bracelets and a finger ring. Taking all of the unrobbed tombs together we can produce the following average contents: 0.77 gold foil earrings; 0.85 pendant; 2.0 bracelets; and 0.85 finger rings. Because the age and sex ratios appear to be normal we should be able to apply these average figures to horizontal shaft tombs in general. As Saʿad is at the lowest end of the social scale its tomb contents should also represent the minimum grave contents. Our one unrobbed horizontal shaft tomb at Yasileh produced, in addition to personal jewellery, two small long-necked glass vessels (*Unguentaria*), but we have no idea how common these might have been at a smaller site such as Saʿad.

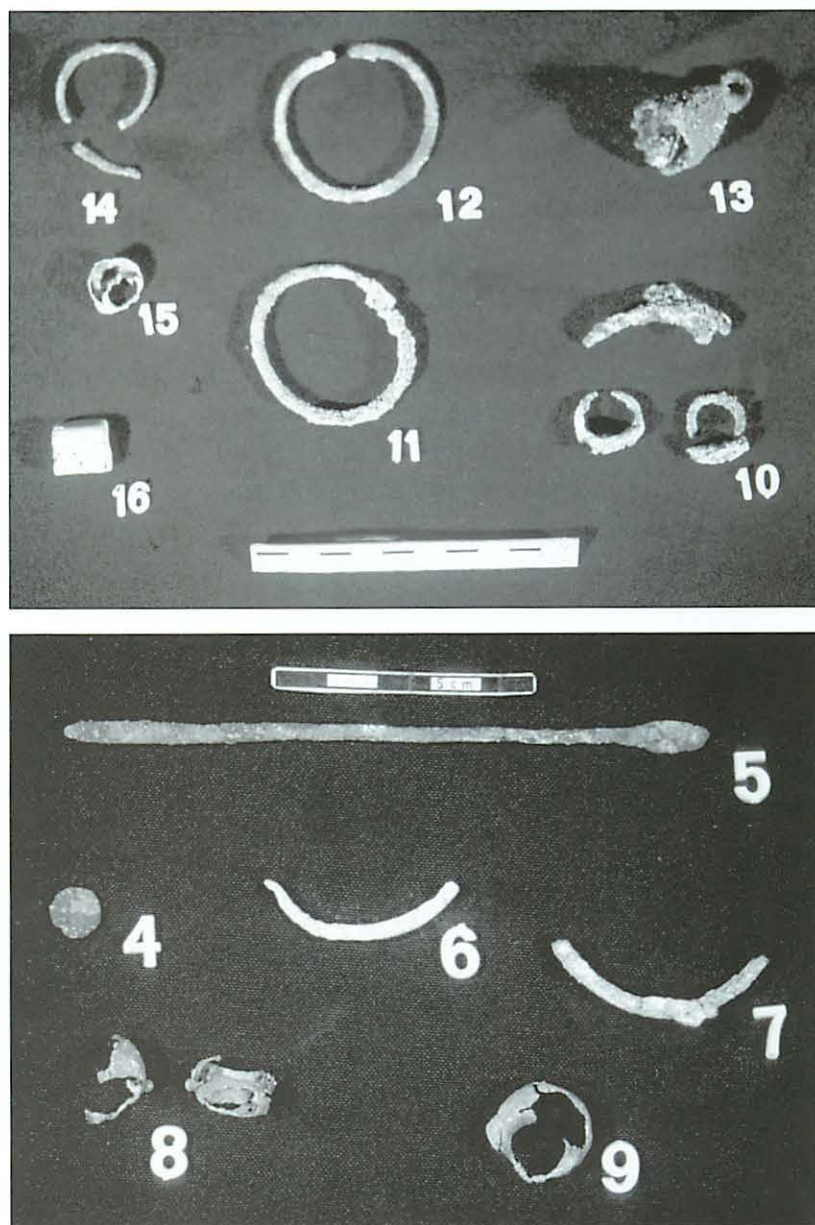
Multi-person tombs at Decapolis cities such as Pella have produced numerous grave goods (McNicoll *et al.* 1982), but we know less about the contents of tombs from the smaller sites in north Jordan. Our efforts to reconstruct tomb contents were further stymied when we found that in the tomb contents lists in Krug's (1998) Roman–Byzantine data base, the numbers of items were frequently not reported by the excavators, so that only general references to, for example,



'bracelets', were given. Again, we had to rely on our own excavation data.

At Sa'ad the one unrobbed multi-person tomb (with two graves) produced 9 bracelets, 3 pendants and 16 ceramic slipper lamps. Two larger, but robbed, multi-person tombs produced fragments of 27 bracelets, 3 finger rings, and 8 lamps. One unrobbed grave from a multi-person tomb at Yasileh with 14 individuals (including infants) produced 2 earrings, 6 bracelets, 1 coin, 4 hairpins/spatulas, and 6 finger rings. (It seems that there are fewer personal items of jewellery per person found in these multi-person tombs.) These are poor data indeed, but they are all that we have for unrobbed tombs at the smaller sites. Considering the available data produces the following average contents: bracelets, 10.5; pendants 0.75; finger rings, 2.25; earrings 0.50; coins, 0.25; hair pins/spatulas, 1.0; and lamps, 6.0.

Fourth, we extrapolated value of tomb from contents and the robbers' original information. If we take our average value for each jewellery item (e.g. \$15 per bracelet) and our average expected frequency per tomb (e.g. 2.0 per tomb), and multiply this by our 888 known robbed horizontal shaft tombs from our nine sampled sites, we get a total value paid the robbers for bracelets of \$26,640. Following the same procedure for earrings, pendants and finger rings we get a grand total for all four categories of \$102,971. This is no small contribution to the local economy where a labourer is paid \$5 per day for his work. And, robbing one tomb each night should yield an average of \$116 per night, which when divided by the average robber crew of two yields \$58 per day — somewhat more than \$5. This does not take into account the high value of the glass vessels which are found in some of



**Figure 3.** Typical contents of a Late Roman-Byzantine single-person tomb: bell pendant 13; bracelets 11, 12, 14; bracelet fragments 6, 7; finger rings 10; gold foil earrings 8, 9, 15; make-up applicator/spatula 5; pendant beads 4, 16.

these tombs and are the primary items sought by the robbers. Thus, these figures are quite minimal and do not include the occasional windfall of finding a fine, large plate.

We can extend our imaginary reconstruction further if we take our estimate of an average number of horizontal shaft tombs per site of 142 and multiply this by the average yield per tomb of \$116, deriving an average value of robbed horizontal shaft tombs of \$16,472. Our survey of six sites yields a lower average figure of 95 tombs per site of which 78 (82 per cent) should be horizontal shaft tombs. This yields a much lower average value of \$9048. We must remember this



is the yield only from horizontal shaft tombs and not the large multi-person tombs that make up 18 per cent of the total tombs. The archaeological site data base lists 745 Roman and Byzantine sites in the Irbid–North Jordan Valley region (Palumbo 1994). Our experience has shown that every site known to archaeologists is also known to the local public and all of these sites have tombs being robbed on a regular basis. Using the high average number of tombs with a site value of \$16,472 suggests that the total potential production of robbed horizontal shaft tombs is \$12,271,640. Using our lower value or yield per site estimates the economic contribution of horizontal tomb robbing as only \$6,740,760 to the local economy of the Irbid and north Jordan Valley region.

If we now follow the same procedure for the group tombs we can add additional minimal value. Using our very low frequencies of jewelry and lamps from our excavations yields an average value of \$278 per tomb. Using only the excavated tombs and survey tombs gives us a total of 193 robbed multi-person tombs with an average value of \$278 and a total yield of \$53,654. Our excavations suggest an average of 30 group tombs per site, while the survey data suggest an average of 17 group tombs per site. Thus, with 745 Roman–Byzantine sites we have a maximum yield of \$6,213,300 and a minimum of \$3,520,870.

Using our minimal estimates of all tomb contents as derived from our excavation data as a guide, the minimum yield to the tomb robbers and the local economy from robbed tombs in the Irbid–North Jordan Valley region ranges between 18 and 10 million U.S. dollars. We must keep in mind that this is our estimated haul from only the small to moderate sized Roman–Byzantine sites, and the figure does not take into account the high-quality, high-priced items mentioned by our tomb robbers that are indeed found in north Jordan and that we have seen for sale on the antiquities market. This estimate also does not include the many robbed Bronze Age tombs with their numerous scarabs, lamps, pots, and gold rings.

Thus, as staggering as our estimates might seem, they have a validity based on the fact that they are only a small percentage of the total potential tombs. This exercise does demonstrate that

there is a profit to be made by the tomb robbers, digging with their candles in the middle of the night, and that this profit is significant on a regional scale and contributes to the local economy. However small the profit, these tomb robbers are clearly doing better robbing tombs than working at \$5-a-day jobs, even if they could find such jobs in an area with a double digit unemployment rate.

Ibn Khaldûn spoke harshly of the weak-minded and foolish treasure hunters and grave robbers and goes on to admonish them to work and earn an honest living. But if there is no option for honest labour, we can expect robbers to labour hard to despoil even the humblest of graves, perhaps being sustained by dreams of the valuable find that would eventually be sold by a great auction house.

### Acknowledgements

The authors wish to thank the Director-General of the Department of Antiquities of Jordan, Dr Fawwaz Al-Khraysheh, and the Irbid and Ramtha district offices of the Department, especially their Directors Nasser Khasawneh and Wajeeh Karasneh for facilitating this research. We are also grateful to Faris Bdeir of the Faculty of Archaeology and Anthropology at Yarmouk University for translation and other professional assistance.

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## In the News

JENNY DOOLE

### US round-up

- Nickolas Greer of Kayenta, Arizona was sentenced in February to three months' probation, including 180 days of home confinement, and ordered to pay the Navajo Nation \$8592 restitution following his conviction for **looting an 800-year-old archaeological site** in a remote canyon. He removed a whole pot, a broken pot and a mano from the secret location which also contained human remains (see <http://www.usdoj.gov/usao/az/azpress/2004/2004-047.pdf>).
- **Human remains and funerary objects were looted** in 2003 from the **Pueblo site of Bailey Ruin**, one of Mogollon Rim, Arizona's most important prehistoric sites. Michael C. White and Randall Morris were both charged with ten counts of intentionally disturbing human remains. Valuable pottery and bones from at least ten skeletons were found in White's home. The looters allegedly dug with the landowner's permission. While it is not illegal to excavate, with permission, archaeological sites on private land in Arizona, it is against state law to disturb unknown human remains or remove funerary artefacts.
- In December 2003 **Bobbie Wilkie of Oklahoma pleaded guilty in a Nevada court to unlawfully excavating archaeological sites** and removing artefacts. He was sentenced to 37 months in federal prison and ordered to pay \$102,000 restitution. Wilkie was a **member of a five-person group** that was caught after a two-year investigation called Operation Indian Rocks. Between 1997 and 2001 they looted, from 13 sites on federal and air force base lands in Nevada and California, around 11,000 artefacts (such as arrowheads, ancient corncobs, hammer-stones and clay figurine fragments), estimated to be worth \$21,600, which were then displayed in their homes or sold. The four other members of the group — Wilkie's wife, Deanne, David Peeler, Kevin Paterson and Frank Embrey — have also pleaded guilty and been sentenced. The US Department of Justice states that 'The sentence of imprisonment against Bobbie Wilkie was the greatest period of imprisonment ever ordered by a Court for a first-time offender in a prosecution involving the theft and destruction of archaeological resources and artifacts' (see <http://www.usdoj.gov/usao/nv/home/pressrelease/january2004/peterson011604.htm>).
- John Ligon of Reno and Carroll Mizell, of Van Nuys California, are scheduled to go on trial for the **alleged theft of two petroglyphs** carved out from a high-desert site on the Humboldt-Toiyabe National Forest. The petroglyphs were found, following a tip off to a police hotline, in September 2003, on display in Ligon's front garden. The defendants claim they were unaware it was illegal to remove the carvings from federal land and that they removed them to protect them from encroaching urban development.
- According to John Fryar, a national criminal investigator with the Bureau of Indian Affairs (*Minneapolis-St Paul Star Tribune*, 7 March 2004):
  - He encounters **fewer amateur pot hunters nowadays**, but sees a huge black market of professional looters, who research sites and rent heavy equipment.
  - He investigates **40–50 looting cases** across the country annually but believes there are hundreds more.
  - Only about **half of his cases are prosecuted** due to lack of evidence or political will.
  - Ten Indian skulls recovered by Fryar in the last six years cannot be returned to their descendents because of traditional lore, which forbids re-handling the dead.



- Mimbres Indian bowls can fetch up to \$150,000 on the market.
- Looters have been plundering the **San Carlos Apache Tribe burial site in Arizona** for almost two years.



## Iraq up-date

- *March:* Customs officials in Jordan announced the **confiscation of items looted from Iraq**, including the head of an ancient Sumerian statue, a figurine, pots, bronze and glass items, and gold and bronze coins. The objects were found hidden under seats in a Jordanian car passing through a border checkpoint.

By the end of the month, **Jordanian authorities announced they were ready to return more than 700 confiscated Iraqi antiquities**. It was not clear from where the objects were stolen.

- Italian carabinieri are reported to be the only occupying troops making **sustained efforts to halt looting in Iraq** (see *International Herald Tribune*, 5 April 2004). Teams of four to six soldiers are rotating round sites in Dhi Qar Province, sites have been mapped, and damage has been recorded using aerial photographs. Nevertheless, Carabinieri Colonel Carmelo Burgio admitted that protecting archaeological sites is not their first priority. Iraqi sites guards lack everything from uniforms to transport.
- John Russell, acting senior adviser for culture to the Iraqi Ministry of Culture, says that:
  - **Groups of 40–50 looters**, armed with automatic weapons are **plundering sites south of Baghdad**.
  - **Relief friezes of the Assyrian palace at Nineveh are now protected** from robbers and the weather by guards and corrugated-metal covers. Russell raised \$17,000 for the Nineveh project before

leaving the US for Iraq and saw the work through in the face of personal danger.

- He would like to see companies which secure contracts in Iraq set up **schemes to monitor and avoid damaging archaeological sites**, wherever feasible (see *The Art Newspaper*, May 2004).
- He recommends the **continuation of professional training** and exchange schemes for heritage workers along the lines of recent programmes run in the US by the ECA and for conservators in London.
- In March, French architect **Stephane Rousseau, was freed on bail of 5000 Egyptian pounds** (around \$800) by a criminal court in Alexandria. Rousseau, a member of a French archaeological team, is charged with allegedly **smuggling several figurines** and 158 coins found in his luggage at Cairo airport in August 2003 (see: 'In The News', *CWC*, Issue 13). His lawyers argue they were purchased as copies.



## Cypriot lawsuit

**Cyprus has filed a civil lawsuit in Germany**, on behalf of the Republic and the Greek Orthodox, Maronite and Armenian churches, in order to retrieve antiquities allegedly stolen from Northern Cyprus and discovered in Bavaria in 1997 in the possession of Turkish dealer, **Aydin Dikmen**. Much of the material found in Dikmen's Munich apartment had been stripped from churches. (See: 'Cypriot Mosaics', *CWC*, Issue 3).



## Egyptian up-date

- Around **200 ancient objects were handed over by Swiss officials to Egyptian representatives in Geneva** in November 2003. The items were seized at Geneva Freeport at the end of August 2003 following a re-



quest from Egyptian authorities and included statues and fragments of ancient Egyptian gods Ptah and Sekhmet, and of the ancient Greek goddess Aphrodite. In October the Egyptians announced that they had **broken a smuggling ring and arrested 15 Egyptians** (including high-ranking police and government officials) and one Lebanese citizen (12 others, including two Swiss, two Germans, a Canadian and a Kenyan were still sought). Among the names read to the Cairo court were: Tariq al-Suwaysi, politician and businessman, and the alleged mastermind of the ring, dealer Ali Aboutaam of Phoenix Ancient Art, and the Farags (see also below, 'the Aboutaams').

- In March 2004, **Egypt retrieved two inscribed limestone reliefs from Phoenix Ancient Art**, which had been discovered in 1994 at Akhmim (see: 'The Aboutaams' below and 'In The News', *CWC*, Issue 10).
- Also in March, a **clay vase and faience necklace**, which had been looted and smuggled from Egypt and sold at auction in London 15 years ago, were repatriated by their American owner.
- A relief from **Behbit Al-Heggara**, stolen from a wall of the temple in Gharbiya region in 1990 and put up for sale at Christie's in 2002, was due to be returned in April.



## The Aboutaams

- *April 2004: Ali and Hicham Aboutaam* (see: 'In The News', *CWC*, Issue 9), owners of Geneva- and New York-based Phoenix Ancient Art, agreed to **return two limestone stelae to Egypt**.

The smuggling history of one, a four-foot-high limestone slab, inscribed to Pasenenkhons, 'Scribe of the Horse', and with a depiction of the god Osiris, was traced by Barry Meier and Martin Gottlieb of the *New York Times* ('Loot: an illicit jour-

ney out of Egypt, only a few questions asked'; 23 February 2004. See also: 'The investigation of Frederick Schultz' and 'United States v. Schultz', *CWC*, Issue 10)

- It was found during construction work in the city of Akhmim, 350 miles south of Cairo, along with a painted wooden sarcophagus, some statuettes and three smaller stelae.
- The stela, and associated objects, were bought in 1994 by Ali Farag. The asking price was \$70,000, although it is not clear what Farag paid, and the finders showed him a journal indicating where the pieces were found, but kept the exact location of the building site secret.
- Farag passed the piece on to his smuggling associate, Jonathan Tokeley-Parry, who initially worried that the piece was in such good condition that it might have been fake.
- At the request of Kim Pegler (supposedly a lawyer acting for a client, but in fact a friend of Tokeley-Parry), Dr Jaromir Malek, director of the Griffith Institute at the Ashmolean Museum, Oxford, translated the hieroglyphs and researched the stela. He found it to be previously unpublished.
- Tokeley-Parry offered the stela, and associated objects to New York dealer Frederick Schultz for \$70,000. Schultz wired \$52,000 to Tokeley-Parry's Swiss bank account as a deposit.
- Tokeley-Parry waited for the Farag brothers to deliver the material to Geneva Freeport, but the stela seems to have dropped from view and was not heard of again until 1997 when, according to shipping documents, three of the Akhmim pieces passed through a Zurich warehouse where they were stored in a locker leased by a company called H.H. Antiques. The objects were moved by truck to Geneva and H.H. Antiques subsequently disappeared.
- In 1997 the Akhmim stela, with two others, surfaced in Phoenix Ancient Art's Geneva gallery. It had been bought by the



late Sleiman Aboutaam. His sons, who now run the business, say their father paid around \$70,000 for the pieces, but they could find no records to say from where. It was checked with the Art Loss Register, who did not record it as stolen property.

- At the request of the Aboutaams, Professor Massimo Patanè of the University of Geneva translated the hieroglyphics on the all three stelae and published a paper about them in a German journal in 1998. The professor praised the antiquities trade for providing fresh pieces for scholars to study.
- In autumn 1998, the stela was bought by Belgian dealer Bernard Blondeel who in 1999 negotiated a sale for \$210,000 with H. Henry Elghanayan, chief executive of the Rockrose Development Corporation.
- In 2002, Edna R. Russmann, an Egyptologist at the Brooklyn Museum of Art, recognized the stelae published in Patanè's article in photographs Scotland Yard had seized from Tokeley-Parry's home at the time of his arrest for antiquities smuggling. The information was used in the trial of his associate, Frederick Schultz, although Schultz had not handled the piece.
- The stela was seized from Elghanayan's Fifth Avenue apartment in 2003 by New York authorities. It has been returned to Egypt and is now in Cairo Museum. Elghanayan was reimbursed by Blondeel, who also got his money back from the Aboutaams.
- Meanwhile, on 13 December 2003, following an investigation by the US Bureau of Immigration and Customs Enforcement, **Hicham Aboutaam was arrested and charged with providing a false customs declaration**, claiming a Syrian origin for a silver rhyton imported into the USA in 2000. The drinking vessel, shaped like a griffin and dating from 700 BC, is from Iran, and believed to have been part of the so-called **Western Cave treasure** which was looted

in the early 1990s and since dispersed around the world. The import of Iranian goods into the USA is currently prohibited. Phoenix Ancient Art sold the piece to Paula Cussi, a trustee of the Metropolitan Museum, for \$950,000 in 2002, after her initial doubts over the authenticity of the piece had been dispelled by three experts' reports, including one from a Los Angeles metallurgist, one from an expert based in Germany and one from Chevy Chase, Maryland. Two of the reports suggested that the piece was probably part of the Western Cave treasure. In June 2004 Aboutaam pleaded guilty to the charge of illegally-importing an Iranian antiquity into the United States. (See: *The Art Newspaper*, March 2004; and the *New York Times*, 23 February 2004. Also: <http://www.usdoj.gov/usao/nys/Press%20Releases/JUNE04/Aboutaam%20Plea%20PR.pdf>.)



## Scottish axe controversy

Michael Kelly of Leslie, Scotland, **may be prosecuted for refusing to hand over to authorities a rare 6500-year-old axe-head** which he discovered in a field. Under Scots law the find is Crown property, and Kelly's deadline for surrendering the object had passed in March 2004. It is not believed that anyone has ever faced court action in such circumstances before.



## Colombian programme

The **Ministry of Culture in Colombia is overseeing a programme to register all Pre-colombian artefacts**. Unregistered pieces will then be liable to confiscation. The programme is part of an effort to record early Colombian history, much of which is falling prey to grave robbing, which in some parts of the country, according to Victor Gonzalez, director of the National Anthropological Institute, is so in-



tense and sustained that large parts of that history have been erased. (See also: 'Colombia, illicit antiquities and the ICOM Red List Latin America', *CWC*, Issue 12.)

## Return of Filipino mummies

A collection of **eight mummies**, made by the Ibaloi tribe between AD 1200–1500 were returned to their original resting place in the Philippines in February. They were stolen from caves around Kabayan, north of Manila, in the 1960s and 1970s. Iron grills will now be placed at the mouth of the caves.

Efforts to locate other mummies stolen from the caves continue. In 2002 a German tourist gave a local resident a copy of a newspaper advertisement offering ten Kabayan mummies for sale at a novelty shop in San Francisco. The National Museum tried to locate their whereabouts through the Filipino Department of Foreign Affairs offices in Washington and California.

## Protective measures at Pompeii

**A list of artefacts vulnerable to theft at Pompeii has been drawn up**, with objects categorized according to how much time it would take experienced looters to remove them. Looted artefacts recovered, like frescoes stolen from the walls of the Insula of the Chaste Lovers in April 2003 which have been extensively restored since recovery, and a sculpted well parapet from Villa Ceii, broken during theft into 19 pieces, **will not be returned to their original locations**.

## Italian trial concludes

The **Italian trial** of some of the individuals involved in the illegal export of the gold phiale

ultimately bought by American collector **Michael Steinhardt** in Switzerland in 1991 (see: 'In The News', *CWC*, issues 2, 3, 5 & 6) concluded early 2004. A single judge of the court at Termini Imerese (Palermo) sentenced Richard Haber, the New York dealer who arranged the sale, to one year and ten months (suspended) for receiving. Dealer William Veres, then based in Switzerland, received the same sentence. In the case of Vincenzo Cammarata, accused of illegal exportation, it was declared there were no grounds to proceed, while Steinhardt himself was acquitted due to lack of intent.

## Indian thefts and action

- In December 2003, at least **five idols and sculptures** dating to the eighth and eleventh centuries AD were reported stolen from an archaeological museum in **Lakhamanadal**, Uttaranchal, India. It is the third such incident reported by the museum in five years, the last being in January 2002 when three idols were taken.
- **ICOM** (International Council of Museums) **India has written to all museum directors** in India, encouraging them to report thefts as soon as they are detected. At a seminar in 2003, Interpol warned that smuggling of India's cultural artefacts is on the rise.

## Finds in Turkey

- *December 2003*: Undercover police in the village of Cigdemli, Diyarbakir province, Turkey **caught four people allegedly selling 69 artefacts**, including coins, jewellery and statuettes dating back to 1200 BC.
- *December 2003*: In Purulia district, **2556 copper coins** dating from the Kushan period, third to fourth century AD, were



discovered in the possession of Hareshwar Soren, from the village of Kurkutia.

## The situation in Afghanistan

- An ancient city, 25 miles long, is reported to have been **discovered at Kharwar** in the Logar district of Afghanistan (*Washington Times*, 5 January 2004). Judging from the looted material emanating from the area, experts believe it dates from the seventh century AD, shortly before the arrival of Islam, or possibly earlier. Warlords have prevented government, UN officials and archaeologists from entering the region which is allegedly being looted by gangs controlled by local warlords and Pakistani criminal networks. Local villagers say that Pakistani dealers are now arriving with order for specific items.
- Late in 2003, a six-ton, 1500-year-old **Buddha was seized at Peshawar railway station**.
- Despairing archaeologist Mohammed Zakir told the *Guardian* (13 December 2003) that **Bazy-Kheil**, 20 miles east of Kabul, **may even be being looted by the soldiers employed to guard it**. A looter discovered the seventh-century Buddhist stupa two years ago, then a local warlord banned officials from the site and organized looting, before handing over 13 Buddhas and promising no more damage. But Zakir noted a freshly cut pit, which guards insisted was a hunter's hiding hole.

## Christie's seizure

Federal authorities **seized a sculpted head of the Roman Emperor Trajan from Christie's** in New York in January while the auction was in progress. The piece was believed to have been **stolen from storage area of the Capitoline Museum** in Rome in 1998 but now

appears to have been a seventeenth-century reproduction. Christie's said that the Art Loss Register did not have a problem with the item, and they had relied on information from the vendor, said to be a collector from Linz, Austria.

## Looting in Israel and Palestine

- Palestinian archaeologists say looting of archaeological sites is top of their long list of problems in **preserving the archaeological heritage of Palestine**. They say artefacts are then often legally exported through Israel.
- *January*: Two men were stopped at a checkpoint near **Kedumim, Israel with antiquities**, including Roman glass and ceramics in their vehicle.

## Greek up-date

- Georgia Karamitrou-Medessidi, an archaeologist in northern Greece, is trying to trace the location from which **more than a hundred ancient artefacts** — including bronze weapons, metal dishes, jewellery, pottery and coins — were looted. The objects came to light when a remorseful parishioner handed them over to his priest, saying he had excavated them in 2000 with the aid of a metal detector.
- In December, following a tip-off, Italian Mario Vonnia, was arrested in a house in Komotini, Thrace in **possession of 619 gold, silver and copper coins** dating from the sixth century BC to Ottoman times. A further 49 ancient artefacts, including pottery and jewellery, were found hidden in the house **along with a gun and ammunition**. Police believe Vonnia intended the smuggle the antiquities abroad and may have been part of an international ring.



## Iranian return

The Metropolitan police, London, returned to the Iranian Embassy a **tombstone dating from the Islamic year 533** (AD 1138). It had been stolen from a mosque in Yard, south of Tehran, and was found in the possession of the London-based antiquities dealer, on sale for £100,000. Two men and a woman were arrested for allegedly handling stolen goods, but no action taken.



## Cambodian initiatives

- **A new NGO, based in Cambodia and called Heritage Watch**, has been formed as a response to the alarming amount of looting and destruction of archaeological sites in the area. The Board comprises many eminent persons involved in the archaeology of Southeast Asia. Heritage Watch intends to combat the problem of heritage destruction through an education drive, focusing on villagers, market stall owners, buyers and tourists. A nation-wide television and radio campaign, which has already begun, will disseminate the message of heritage preservation. For more information, visit [www.heritagewatch.org](http://www.heritagewatch.org).
- *November 2003*: The US State Department announced the signing, in September, of a deal imposing **import restrictions on ancient metal and ceramic objects from Cambodia** entering the US. The previous version of this bilateral agreement, signed in 1999, concerned only stone artefacts (see: 'In The News', *CWC*, Issue 4).
- *The Art Newspaper* (February 2004) reports on UNESCO initiatives in Cambodia, aimed at **reducing looting in minefields** now being cleared of bombs. As soon as it becomes safe to do so, locals move in to strip such areas of antiquities including ceramics, metalwork and sculpture. 500 out of 2500 known archaeological sites are still mined.

UNESCO strategies include activities to improve quality of life (since poverty is the main reason for theft of antiquities) such as literacy programmes and course on duck and chicken rearing, which have apparently already reduced looting. UNESCO personnel will hire local guards for sites as soon as they are cleared, with a reward scheme designed to reduce the incentive to take bribes.

Meanwhile at temple sites the **numbers of guards is being increased**, and the Heritage Police being given extra powers. Guards will be sent (at a cost to UNESCO of \$10,000 per site per year) to protect newly discovered sites.



## Hague protocol

The 1999 **Second Protocol to the 1954 Hague Convention came into force on 9 March 2004**, three months after the accession of Costa Rica as the twentieth State Party. The Second Protocol allows for greater protection of cultural heritage in wartime by extending the Convention's cover to internal conflicts and by establishing that violations of the Protocol are criminal offences. It also makes provision for a Committee for the Protection of Cultural Property in the Event of Armed Conflict and international Fund for the Protection of Cultural Property in the Event of Armed Conflict.



## Spanish 'museum' controversy

*March*: A 'museum', containing more than 5000 artefacts illegally removed from Phoenician, Iberian, Roman and Islamic sites, was **discovered by Spanish civil guard displayed in the basement of a home in Aguilar de la Frontera**, Andalusia. Antonio Sánchez Romero was arrested on charges of theft and damage to historic patrimony. However, the town mayor and a citizen's committee organized a 1000-person protest against the arrest



arguing that Sánchez Romero was a fine citizen and that everyone knew about the museum, which housed finds made by farmers and land-workers augmented by donations from collectors, arranged in chronological order in glass cases. Sánchez Romero, who claims he has never bought or sold anything, had employed an archaeologist to catalogue the objects and even applied for EU grants and legal museum status. Prosecutors will study the evidence before deciding whether or not the case will proceed.



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## Looting, heritage management and archaeological strategies at Jam, Afghanistan

DAVID THOMAS

The scourges of cultural vandalism and illicit excavation, and the flood of artefacts reaching Western antiquities markets from Afghanistan have been well reported in previous issues of *Culture Without Context* (see Issues 8 and 11, for example). Estimates of the annual value of the illicit trade in Afghan antiquities vary wildly and are impossible to verify, but one source in UNESCO suggested that it is double what the drugs trade is thought to be worth (roughly \$2 billion in 2003, according to UN figures). These figures are staggering, but not totally implausible — in May 1999, Pakistani authorities in Peshawar seized six boxes containing \$47 million worth of carvings, coins, metal weaponry and gold jewellery, which probably originated in museums and illicit excavations in Afghanistan;



Figure 1. Minaret of Jam

none of the 30,000 ancient coins formerly in the National Museum in Kabul can be located, while reports of a hoard found near the northeastern city of Gardez in 1992 suggest that it amounted to over 550,000 items (3–4 tonnes of gold, silver



and bronze coins)!

Although the overthrow of the Taliban in 2001 has improved the situation, to a degree, and the Afghan Institute of Archaeology continues to try hard to operate at a national level, the current government's influence is variable outside Kabul and the resources available to the Institute are very limited.

Since the Taliban's destruction of the monumental Buddhas of Bamiyan in March 2001, and the systematic looting of the Hellenistic city of Ai Khanoum, the Minaret of Jam has become the cultural heritage icon of Afghanistan (Fig. 1). The magnificent, 63-metre-high, mud-brick minaret was probably built around AD 1194 by Ghiyath ad-Din Muhammed (AD 1163–1203), possibly to commemorate a victorious campaign. It remains one of the few standing monuments from this period in Central Asia to have survived the devastating campaigns of Ghengis Khan and the Mongols c. AD 1221.

The monument's multifaceted significance, and the threats that it faces, were recognized internationally in 2002, when the Minaret of Jam and the surrounding archaeological remains were designated as Afghanistan's first World Heritage Site (Fig. 2).

Jam is located in the remote Ghur Province, roughly two-thirds of the way from Kabul to Herat, as the crow flies (a road is currently under construction). It is probably the site of Firuzkoh, the Ghurid Dynasty's summer capital. The Ghurids came to prominence in Central Asia in the eleventh century, and eventually controlled a swathe of territory stretching from Nishapur in Iran to the Bay of Bengal, before being defeated by the Khwarzeshah in AD 1210. Rather like the Nabatean city of Petra in Jordan, knowledge of the site of Jam was 'lost' to the outside

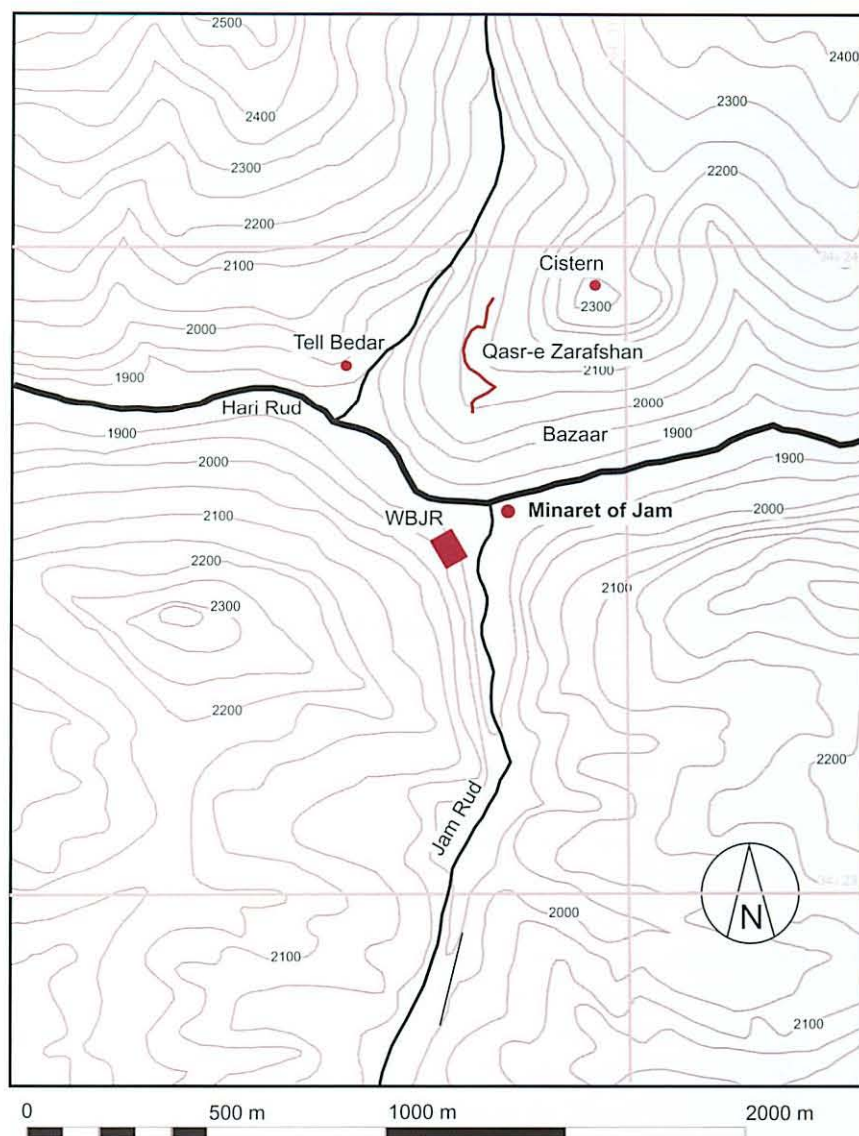


Figure 2. The Minaret of Jam and its environs.

world until 1943, but it was not until a French expedition was launched in 1957 to record the Minaret that its existence became more widely known in the West.

The conflicts of the last 25 years have obviously greatly limited the opportunities for archaeological work in the region, and had other deleterious effects. Although the area has largely escaped war damage, unlike the sixteenth-century Tomb and Gardens of Babur in Kabul, for example (Fig. 3), centuries of fluvial erosion have caused the Minaret of Jam to start leaning to an alarming degree. Fortunately, Jam is starting to receive the multi-disciplinary attention it deserves — an architectural conservation project has started to arrest the tilt of the minaret and in July 2003, the Istituto Italiano per L'Africa e L'Oriente initiated the Minaret of Jam Archaeological





**Figure 3.** *Tomb of Babur in Kabul.*

Project (MJAP), on behalf of UNESCO, of which I am field director.

The aims of our short, preliminary season in 2003 were to assess the extent of illicit excavations at Jam, the current state of preservation of what remains and to provide an archaeological impact assessment report, in the light of plans to construct a much-needed road and bridge close to the Minaret. The accounts of visitors, and comparison of recent aerial photographs with those published by the French in 1959 suggested that looting had been extensive, particularly during the Taliban years, and this proved to be the case (Fig. 4). Indeed, during our stay we observed ‘suspicious’ activities in the distance and mounds of fresh spoil in a neighbouring valley. As a result, we succeeded in persuading UNESCO to increase significantly the number of guards employed to protect the site, and it is hoped that this and continued work in the area will convince the locals that the archaeological remains are a long-term source of employment, rather than something to be plundered in the short-term. It would be naïve, however, to think that the looting will stop totally as a result, but we hope that it will at least be curtailed and that building good relations with the local militia commanders, the effective authority in the area, will cement this process. To this end, we benefited greatly from being accompanied by Mr Abdul Wasey Feroozi, Director of the Afghan Institute of Archaeology, whose pres-

ence and assistance in the field proved invaluable.

Most of the valley slopes are pockmarked with robber holes, up to several metres wide and deep. In an attempt to glean as much information from the existing robber holes, and to limit our own impact on the archaeological remains, our work in 2003 concentrated on a precipitous slope opposite the Minaret, where the route for the road and bridge has been proposed. We investigated ten robber holes, exposing fragmentary architectural remains consisting of stone and mud-brick walls and plastered surfaces. All too predictably, given thorough looting, we found little

else, other than numerous fragments of fine, painted wall plaster, and a wide range of ceramics, including glazed *sgraffiato* wares. We also recovered shards of glass and a couple of small coins, the better preserved of which is Seljuk in origin and has been dated to the early twelfth century. Although limited, these finds indicate the import of luxury items, a relatively high standard of living and concern for aesthetics amongst the twelfth-century inhabitants of Jam — a more detailed archaeological report will appear in the 2004 issue of the journal *East and West*.

One robber hole near the Minaret also provided us with a tantalizing glimpse of what is likely to have been a massive Islamic building (either a mosque, or madrasa — an Islamic school), associated with the Minaret. Beneath a metre of alluvial deposits, we exposed a well-laid pavement of fired mud-bricks (Fig. 5). Its intricate ‘herring-bone’ pattern is different from other paving patterns (checkerboard and ‘figure-of-eight’ swirls) reported in robber holes nearby. The extensive paving points to the presence of a series of courtyards, probably bounded by a large wall — we found a stretch of fired mud-brick wall preserved nine courses high in the side of the riverbank a few metres away. Juzjani, the one major source for the Ghurids, records that the main mosque at Firuzkoh was washed away in a flash flood — we hope to investigate the veracity of this report during our next season, when



Dr Kevin White, a geomorphologist and specialist in remote sensing will accompany us, although we have had to postpone the 2004 season due to security concerns in the run-up to the national elections in the autumn.

The looting at sites such as Jam presents UNESCO and other NGOs, whose primary emphasis is on conservation rather than excavation, with a dilemma — does the most realistic form of preservation involve archaeological excavations, which are inherently destructive? This is particularly pertinent for little-studied regions and periods, such as Afghanistan and the Ghurids. We could conduct a systematic programme of surveying and soundings over the site, attempting to record each robber hole; this would certainly aid attempts to assess how much looting is being conducted between seasons, but it is doubtful that such work would yield more than a demoralizing catalogue of destruction, particularly in the light of our findings in 2003. Field-walking using Global Positioning System devices seems to provide a much quicker way of recording the extent of looting, whilst simultaneously defining the currently unknown limits of the site.

The apparent single-period nature of the occupation at Jam, and overburden of alluvial deposits in the area around the minaret suggests that non-intrusive remote sensing technique, such as ground penetrating radar, may be applicable. We hope that remote sensing would delineate the mud-brick walls and courtyard areas of the major structure associated with the Minaret, with minimal impact on the remains, but such high tech equipment is obviously very expensive, and delicate, and it remains to be seen whether funding bodies are prepared to finance such research.

The surface collection of artefacts is another obvious, non-destructive avenue of research, and valuable in establishing the extent of the site and the variety of material and activities present. One major problem, however, is that



Figure 4. Looters' holes at Qasr-e Zarafshan.



Figure 5. Fired brick paving at Jam.

we are effectively working in a ceramic typology vacuum, with few well-excavated *comparanda* available, against which to relate our assemblage.

These factors suggest that the best way of gleaning and preserving knowledge about the archaeology of Jam and the Ghurids is to conduct carefully targeted excavations at the site, before looting further damages the site irreparably. This is particularly the case for Qasr-e Zarafshan, the hill-top fortress overlooking the Minaret, whose inaccessibility seems to have protected it from



looting for the moment. Regardless of the physical and logistical challenges of excavating test-trenches in Qasr-e Zarafshan, however, we also have to be mindful of the risk of drawing unwanted attention to it, by merely working there — there are no easy answers to the dilemmas facing the project.

The best strategy seems to be a combination of these approaches. We need to utilize surface survey and non-intrusive techniques where possible, and to gather as much data as possible from the debris associated with the robber holes. Simultaneously, we need to establish a well-stratified and representative assemblage of ceramics and artefacts, which can only be gained from the careful excavation of undisturbed deposits. Without such excavations, whatever we collect from the surface and robber holes will lit-

erally remain culture without context.

All our work, however, must coincide with efforts to educate the local people as to the heritage and long-term (albeit small-scale) economic value of the archaeological remains, as a source of historical, religious, cultural and social information, pride and employment. Ultimately, the responsibility for this falls on the West, both as the funder of archaeological projects, development aid, and as the primary market for the rapacious trade in illegal antiquities. As the tattered banner outside the Kabul Museum reads: 'A nation stays alive when its culture stays alive'.

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## Particulars of Japan's accession to the 1970 UNESCO Convention and an outstanding problem

HIDEO FUJII

The 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property was ratified by the Diet of Japan in June 2002 and implemented on 9 December 2002 by the Law Concerning Controls on the Illicit Export and Import of Cultural Property. The news of Japan's ratification of the 1970 UNESCO Convention was published in *Culture Without Context*, Issue 11, December 2002 (pp. 4, 11, 12). The 2002 implementation was a happy occasion for me personally as I had been urging the Japanese Government to ratify the Convention since the end of the Gulf War in 1991. It was fortunate for Japan too, as directly after the surrender of Baghdad on 9 April 2003, when news spread around the world that the Iraqi National Museum had been assaulted by the mob and suffered the pillage of its cultural heritage, the

implementation opened the way for Japan to participate in rescue work as part of a concerted international effort as recommended in Article 9 of the Convention.

### The 1991 Gulf War and its aftermath

The impetus for Japan's ratification was provided by the rioting that took place directly after the end of the Gulf War in 1991, which led to the theft of 3564 cultural objects from 11 Iraqi regional museums. More shocking incidents followed as major archaeological sites were subjected to clandestine excavation. One response was that Professor M. Gibson and Dr A. McMahon of Chicago University's Oriental Institute suggested that it would be necessary to prepare lists of the missing objects in order to facilitate their recovery. They used US excavation records to help draw up a first list of 229 missing items which was published as *Lost Heritage - Antiquities Stolen from Iraq's Regional Museums - Fascicle 1* (1992). Next, Professor J.N. Postgate of Cambridge University, along with Dr H.D. Baker and Dr R.J. Mathews reported a further 1697 lost objects in *Lost Heritage - Antiquities Stolen from Iraq's Regional Museums - Fascicle 2* (1993).<sup>1</sup> It soon became clear, however, that most records of lost items that were



submitted to UNESCO by the antiquities service of Iraq had no information about the place of original excavation — provenance, which is essential — attached to the photos or drawings. It was, in consequence, very hard for UNESCO to report the significance of lost artefacts to the World Customs Organization, Interpol, ICOM and the various antiquities trade associations.

At the time, I was concerned about the lack of progress and thought that the recovery of Iraqi cultural objects would be facilitated if concerned people could discuss the matter together. To this end, and after consulting with Iraq's Minister of Culture and Information, together with Dr Muayad Said Damerji, the Director General of Antiquities and Heritage, I was able to convene an international symposium in Baghdad in December 1994. It was attended by 23 international researchers from the fields of archaeology, history, linguistics, architectural history and art history, all of whom had been engaged in excavation and research in Iraq.

One of the important topics I proposed at the Baghdad meeting concerned what type of information should be included on the lists of lost objects. There was a strong opinion amongst those present that provenance is of paramount importance, in that the significance of a cultural object depends upon when and where it was excavated. Thus provenance must be clearly known. In addition, there was also a majority opinion that for more accuracy even the excavation level should be included with provenance. It was agreed that unprovenanced objects should not be displayed in museums (cf. ICOM Code of Professional Ethics, 2.9 Display, Exhibitions and Special Activities, 2001, p. 7).

It was decided that apparently unprovenanced objects that had been lost should be documented as accurately as possible by means of available excavation records. We also learned that all object entries in museum records had two numbers: an Iraq Museum (IM) No. and a Local Museum (LM) No., the LM No. indicating the regional museum in which the object was displayed. The objects themselves are also marked with both IM and LM Nos., and the name of the regional museum to which they belong, written in red, so that they can be clearly distinguished from pieces that are not registered. Thus, it is clear that Iraq has faithfully adhered to the

requirement of Article 7(b)(i) of the 1970 UNESCO Convention that cultural property should be 'documented as appertaining to the inventory of that institution'. It was agreed that these object registers may safely be regarded as constituting a national inventory of protected property as described in Article 5 of the UNESCO Convention.

On 17 February 1995, representatives of the Baghdad meeting visited Dr F. Mayor Zaragoza, the then Director-General of UNESCO, at the Paris headquarters, to deliver the meeting's resolutions. His reply cited his appeal of 31 December 1994 which had been made public worldwide, and stated that:

The strength of the art market in the industrialized, developed countries acts as a magnet to the flow of trade, licit and illicit.

and that

It is thus clear that the 'victim' countries, try as they may, cannot solve the problem of their disappearing heritage on their own. That is why the General Conference of UNESCO in 1970 adopted the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

In short, Dr Mayor Zaragoza said to us that for the purpose of saving the 'victim' countries from illicit traffic of their cultural property, the wealthy countries that host the art market have no choice but to become parties to the 1970 UNESCO Convention. And he added that it was fundamental that illicit cultural objects should not be the object of sale, purchase or gift.

Moreover, in compliance with the resolutions agreed by us at the Baghdad meeting, UNESCO prepared a leaflet with clear photographs of nine objects selected as exemplars from the lists of Iraqi lost cultural objects, and on 1 August 1995 circulated it to the States Parties of the First Protocol of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and of the 1970 UNESCO Convention. It stated that most of the approximately 4000 cultural objects lost from Iraqi regional museums should be rated as integral elements of the civilization and culture of Iraq, so that their loss constitutes grave damage to the cultural heritage of that country. Counter-measures designed to obstruct their trade are contained in Articles 2 and 3 of the First Protocol of the Hague Convention, and in Article 7 of the 1970 UNESCO Convention.



The distribution of this leaflet has proved important because: 1) it provides a simple example of how to make an inventory of cultural objects that are deposited in museums and similar institutions; and 2) it states that the 1970 UNESCO Convention is designed to control the illegal export of objects which have been registered in museums, and advises that under the Convention it is possible to obtain the cooperation of other States Parties in returning an object to its country of origin.

With a view to raising awareness both in Japan and abroad, and with the consent of Dr Muayad Said Damerji, I made a list of 364 manuscripts that had been looted from Kirkuk Museum and 73 objects that had been stolen from regional museums, and it was published through Kokushikan University's Institute for Cultural Studies of Ancient Iraq, under the title of *Lost Heritage: Antiquities Stolen from Iraq's Regional Museums - Fascicle 3* in September 1996. The UNESCO leaflet was reproduced in this book with permission, and the book was sent to the States Parties of the 1970 UNESCO Convention, and concerned international organizations and academic institutions.<sup>2</sup> This was because I had grave doubts about just how much such wealthy countries as Japan — where the world's leading art markets are located — realized that the two conventions constitute an international system for controlling the trade of cultural objects lost from the country of origin in situations such as that of Iraq.

### Japanese legislation

In Japan, the Law for the Protection of Cultural Properties was enacted in 1950 to prevent the growing loss abroad of national cultural heritage during the confusion that followed directly after World War II. In this law Japan established that cultural property is defined as property specifically designated as important in the spheres of archaeology, prehistory, history, literature, art and science, just as was later prescribed in Article 1 of the UNESCO Convention. Moreover, MEXT (Ministry of Education, Culture, Sports, Science and Technology) has promoted the designation of tangible cultural properties as either National Treasures, Important Cultural Properties, Historic Sites, Places of Scenic Beauty, Natural Monuments, or Preservation Districts for Groups of Historic Buildings, according to the Law for the

Protection of Cultural Properties.<sup>3</sup> This law shows that Japan has been keen to preserve and recover its own national cultural heritage, in stark contrast to the rather improper manner in which Japan has responded to the protection of foreign cultural objects, which, recognizing the great variety of cultures worldwide, should be viewed equally with those of Japan.

It seemed to me that it was unfair for Japanese people to obtain foreign cultural objects as cherished possessions merely to satisfy their curiosity, as this attitude causes the illegal import of foreign cultural objects that have been obtained by looting and/or clandestine excavation. Article 2 (1) of the 1970 UNESCO Convention states that the illicit import, export and transfer of ownership of cultural property are some of the main causes of impoverishment of cultural heritage in source countries. In view of this, it was clear that Japan should give careful consideration to countermeasures that would avoid this problem. What is correct for Japan's culture should be equally correct for foreign cultures. The Convention also emphasizes that international cooperation is one of the most effective means of protecting any country's cultural heritage from the dangers posed by these illicit activities.<sup>4</sup>

By the time cultural objects were disappearing from Iraqi museums, the chauvinism surrounding Japan's policy of cultural property protection was clear. Without losing time, I began to lobby important personnel of the relevant authorities, carrying *Lost Heritage Fascicle 3* with me. I spoke to them repeatedly of the need for the Government to become a party to the 1970 UNESCO Convention so as to enable international cooperation aimed at diminishing the illicit trade and facilitating the recovery of missing objects. In addition, I kept explaining to them that ratification of the Convention could also help to protect Japan's own cultural heritage. Thus, Japan finally enacted the Law Concerning Controls on the Illicit Export and Import of Cultural Property in 2002, as implementation of the 1970 UNESCO Convention. The major aim of this law is to prohibit the import of cultural objects stolen from another State Party's cultural institution, just as specified in Article 7(b)(i) of the Convention, (that is, the ones certified as belonging solely to the inventory of the institution concerned).

The Law Concerning Controls on the Il-



licit Export and Import of Cultural Property defines the term 'cultural property' as follows: 'cultural property' means an object belonging to one of the categories enumerated in Article 1 (a) through (k) of the Convention which is specifically designated by a State and, and, in connection with the above, 'domestic cultural property' is defined as important cultural properties, tangible folk-cultural property, historic sites, places of scenic beauty or natural monuments, that have been designated by Japan.

Upon receiving notice that cultural property has been stolen from a museum or similar institution abroad, Japan's Minister of Education, Culture, Sports, Science and Technology shall designate the property as specified foreign cultural property. The import into Japan of an object designated as specified foreign cultural property must be officially approved, although, in practice, it is impossible to gain import approval for specified foreign cultural property.

Article 193 of the Japanese Civil Code stipulates that the period of time within which a claim for recovery of stolen property can be made shall be limited to two years. As a special measure to facilitate the return of stolen specified foreign cultural property to its country of origin, the Japanese Government has extended the limitation period to ten years, with due consideration of the time lapsed from the stolen foreign object's discovery in our country. If an object is returned within the ten year period, it is stipulated that the owner should reimburse the cost of the object to an innocent purchaser.

### **An outstanding problem**

Article 7 (a) of the 1970 UNESCO Convention states that necessary measures shall be taken in accordance with domestic law to prevent the acquisition of illegally exported objects of cultural property by museums and similar institutions. It seems that 'illegally exported cultural property' of Article 7 (a) refers to cultural property exported without certification, as pointed out in Article 6 (a) and (b). Article 6 (a) states that the exporting State shall attach an appropriate certificate to all legally exported cultural objects to prove that export permission is granted. The attachment of an export certificate to an object and its validation is essential to avoid trade in unprovenanced artefacts. However, existing domestic law in Ja-

pan makes no clear provision to prevent museums and similar institutions acquiring illegally exported cultural objects.

Administrative guidance given to museums appealing for them not to acquire unprovenanced objects will have a limited effect, even if it is done within the framework of the ICOM Code of Professional Ethics. This is because the ICOM Code has no status in law, nor can it provide legal mechanisms to ensure that an object is accompanied by a valid export certificate, or to confirm that it is not an illegally exported item.

Therefore, in order to prevent museums from acquiring illegally exported cultural objects, as prescribed in Article 7 (a) of the Convention, what is urgently needed is a law to confirm that an imported cultural object is definitely accompanied by an export certificate issued by its exporting state, in accordance with Article 6 (a), (b) of the Convention. This problem is not limited only to Japan, but is a common one worldwide, and should be tackled by, in particular, the wealthy states that host the dealers' markets.

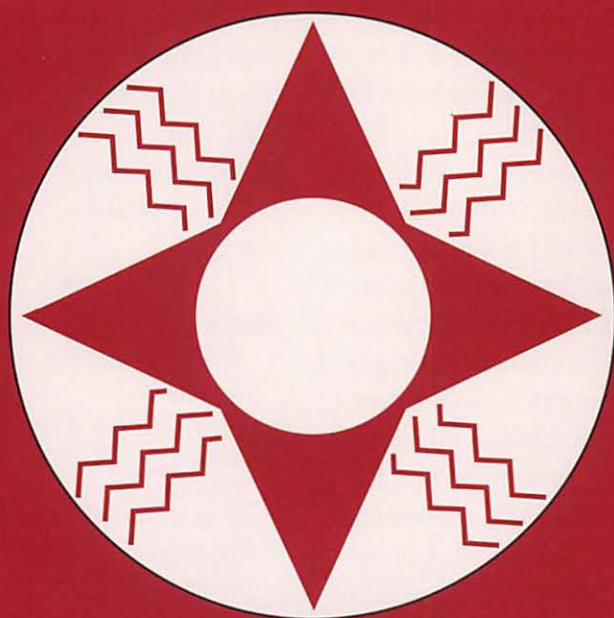
### **Notes**

1. Available on-line at <http://oi.chicago.edu/OI/IRAQ/lh.html>.
2. *Lost Heritage: Antiquities Stolen from Iraq's Regional Museums - Fascicle 3*, Hideo Fujii, Kazumi Oguchi, Institute for Cultural Studies of Ancient Iraq, Kokushikan University, Tokyo 1996, xiii-xxi. What distinguishes this leaflet from others is the description of objects newly provided by the Iraqi authorities. Each object is accompanied with an IM No. registered by Baghdad Museum and the name of its regional museum, but there is no detailed description of the object's provenance. Nevertheless, the provenance is provided indirectly by the combination of the local prefecture name of the object's place of origin and the excavation number of the expedition. For objects without photographs a drawing or sketch is included.
3. *Preservation and Utilization of Cultural Properties*, MEXT (Ministry of Education, Culture, Sports, Science and Technology) 2001, 49.
4. Yasushi Kono, *International Cooperation for the Preservation of Cultural Heritage*, 297-8, 1995, Fukyosha Publishing Inc.

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# Culture *Without* Context



The Newsletter of the Illicit Antiquities Research Centre

Issue 15, Autumn 2004

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The Illicit Antiquities Research Centre is a project of the McDonald Institute for Archaeological Research.



## Illicit Antiquities Research Centre

The Illicit Antiquities Research Centre (IARC) was established in May 1996, under the auspices of the McDonald Institute for Archaeological Research in Cambridge, England, and it commenced operations in October 1997. Its purpose is to monitor and report upon the damage caused to cultural heritage by the international trade in illicit antiquities (i.e. antiquities which have been stolen or clandestinely excavated and illegally exported). The enormous increase in the volume of this trade over the past twenty years has caused the large-scale plundering of archaeological sites and museums around the world. The IARC will raise public awareness of the problems caused by this trade and seek appropriate national and international legislation, codes of conduct and other conventions to place restraint upon it.

*Culture Without Context* is published twice-yearly. The next issue will appear in spring 2005. Subscription details are available from:

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**Front cover.** *The temple at Umm el Dabadib, Egypt, which was destroyed in 2004 (see p. 22).*

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Correspondence relating to all aspects of the legal and illegal trade in antiquities is welcome; we will make an effort to print reasonable, non-libellous letters. No unsigned letters will be printed, but names will be withheld upon request.

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Printed by BluePrint, Coldhams Road, Cambridge, UK, CB1 3EW.  
Tel: +44 (0)1223 472400



## Editorial

In June 2004, the Cleveland Museum of Art acquired a bronze statue attributed to the Classical Greek sculptor Praxiteles from Phoenix Ancient Art of Geneva. According to *The Plain Dealer* (12 September 2004), the museum may have paid up to \$5 million for the piece. The statue is said to have been seen on a German estate in the 1930s and still in Germany when it was sold to a Dutch antiques dealer in 1994. It then dropped out of sight until it reappeared on the Swiss premises of Phoenix Ancient Art in 2002. In the September 2004 issue of *The Art Newspaper*, the Cleveland Director Katharine Lee Reid was quoted as saying that the museum had exercised due diligence before the acquisition, but that Phoenix Ancient Art had not revealed to the museum details of the statue's recent provenance. This reticence was understandable, she thought, because the company would want to protect its competitive advantage. Rather confusingly, Phoenix Ancient Art's proprietors Ali and Hicham Aboutaam subsequently stated in a letter published in the November issue of *The Art Newspaper* that '... it is acceptable and common practice, for obvious competitive reasons, to omit all but the last decade of ownership in publishing a history ...'. But the last decade's ownership history of the bronze was exactly what they had omitted to tell the Cleveland. Anyhow, the implication from what Lee Reid said is that the Aboutaams are aware of the statue's history from the time of its purchase by a Dutch dealer in 1994 to their own acquisition in 2002. They will of course also be aware that under EC Regulation 3911/92 on the export of cultural goods from the European Union any cultural object situated on the territory of an EU member state in 1994 (in this case Germany) would have needed to be licensed for export, particularly an object as important as a Classical Greek bronze statue attributed to Praxiteles. The Aboutaams themselves would not necessarily be responsible for acquiring a licence if they had not exported the piece themselves, but any diligent search into provenance by either the Cleveland or Phoenix Ancient Art should have established its existence.

No matter what is the true story of the Cleveland acquisition, it highlights an interesting and significant weakness of current EU legisla-

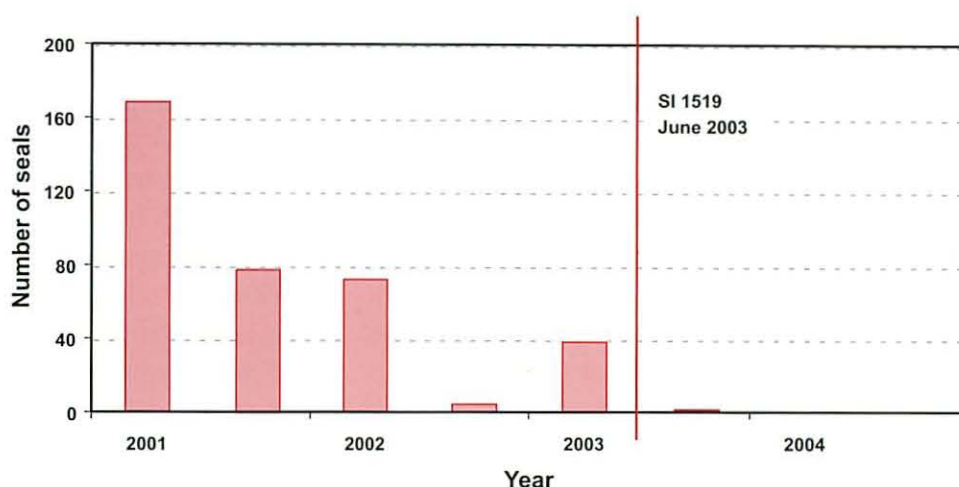
tion. Unlikely though it seems, the German (or perhaps another EU country's) authorities would have been able to approve export out of Europe — and it has yet to be demonstrated that they did — of a Praxitelean statue that fellow-EU member Greece may have felt to be an important part of its own national heritage, but with no opportunity for Greece to intervene. One possible remedy for this unsatisfactory situation would be to adopt and extend a mechanism of the British export licensing system. Since 1952, it has been the practice in Britain to withhold an export licence on any cultural object considered to be of national, aesthetic or historical importance until there has been time for a British institution to come forward and offer a fair price, and so keep the piece within the UK. If no British offer is forthcoming, an export licence is granted. This system could profitably be extended throughout the European Union, whereby the export of an important piece from one country might be deferred long enough for a purchaser to come forward from a second country. So, for example, if the German authorities had no objection to the export of a Praxitelean bronze, they might postpone approval of its export and offer a Greek institution the opportunity to come forward and purchase the piece.



In June 2003 the UK Government implemented UN Security Council Resolution 1583 by means of the controversial Iraq (United Nations Sanctions) Order (SI 1519) (see 'Editorial', *CWC*, Issue 13). SI 1519 is a strong law as any person who acquires an archaeological object from Iraq without knowing it to have been exported legally before August 1990 is presumed guilty of a criminal offence. There is now evidence to suggest that the strength of this law is having a real deterrent effect on the London market in Iraqi material. The histogram (p. 4) shows the combined number of unprovenanced cylinder seals offered each year at the spring and autumn sales of the two London auction houses Christie's and Bonhams since the beginning of 2001. Most cylinder seals are probably of Iraqi origin, and as such act as a marker for Iraqi material more generally. Although early in the decade large numbers of seals were being consigned for sale, hardly any have been offered since SI 1519 came into force. There are two explanations for this



rapid disappearance off the market of unprovenanced cylinder seals. First, it might be that most seals previously coming onto the market were known to have been recently and illegally moved out of Iraq and so now are too dangerous to sell. Alternatively, it might be that the seals don't have a verifiable ownership history stretching back more than the 15 years that would now be necessary to give them a legal provenance. Either way, the histogram shows once more that most



material reaching the market does not knowingly come from old collections with provenances suppressed to maintain 'competitive advantage' as sources close to the trade continue to maintain.

## Textile theft in Ica, Peru: a threat to heritage and its conservation

ANN H. PETERS

At dawn on Friday, 15 October 2004, there was an organized heist of three textiles, the most impressive fabrics on exhibit in the Regional Museum of Ica, Peru. Of the thousands of spectacular examples of Andean textile heritage that have been excavated in the Department of Ica, only these three had been returned so that citizens of the region could see them in their Regional Museum.

This blow to local consciousness of the heritage of the Paracas, Nasca and Wari civilizations is also a blow to archaeologists and museum professionals who dedicate their lives to the custody and defense of regional and national heritage. Consider for a moment the recent history of these three textiles. At the time of their theft, these 1000- and 2000-year-old fabrics were in excellent condition, and for that very reason they were so attractive for theft and sale to private collectors.

The director of the Regional Museum, Susana Arce Torres, is in charge of a collection whose value cannot be measured either in Peruvian soles



**Figure 1.** Textile MRI-DB-47. Tunic of the Wari culture. Garment of camelid hair, consisting of two long cloths sewn together lengthwise; length 107 cm, width 103 cm, shoulder to shoulder 116 cm. Photograph taken in 1996 of one face of the tunic just before G. Katterman and N. Skov started restoration work.

or in dollars, because they are unique, are from the desert hillsides of Ica, and in many cases are accompanied by information on their original provenience and cultural associations. That information differentiates them from the fabulous collections in Europe, Asia or North America, which are for the most part products of looting and have suffered the accompanying loss of all information on their original context.

As museum director, Arce does not receive public sector financing for inventory, conservation and storage or exhibition of the collections.





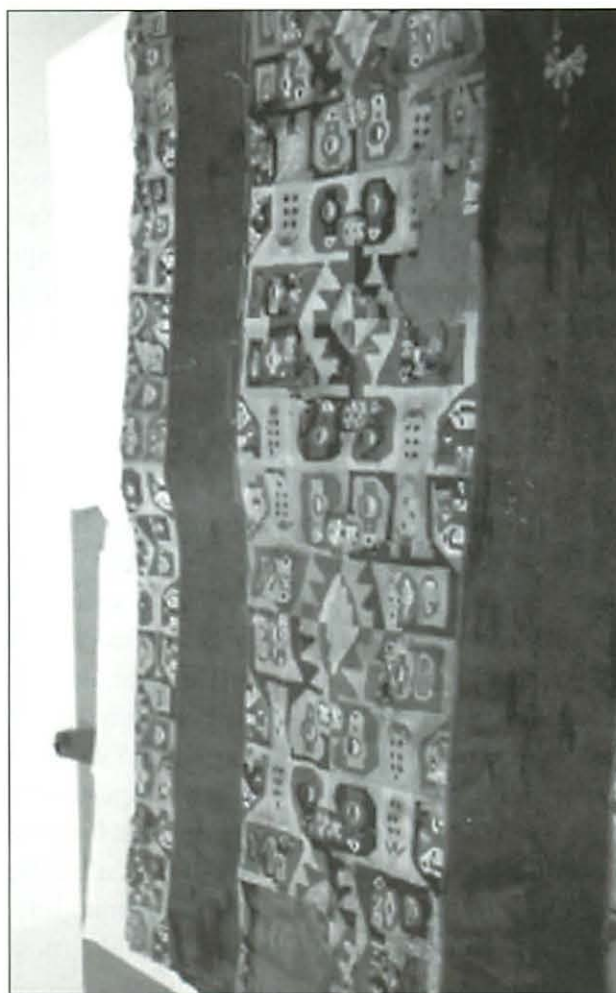
**Figure 2.** Detail of the opening in the collar of the Wari tunic MRI-DB-47, embroidered with a flower. Photograph 1997 by Anita Cook during restoration work by G. Katterman and N. Skov.

Nonetheless, for years she has built collaborative projects with national and international researchers, making the Regional Museum an admirable centre for projects that increase public awareness of the value of the pre-Columbian heritage of Ica and of Peru. As part of these personal and institutional commitments, conservation treatment of the recently stolen Wari tunic (MRI-DB-47) was completed in 1999 by private conservators Nanette Skov and Grace Kattermann, with many years of textile conservation experience with the United States Park Service.

The Regional Museum also receives support from other museums of the National Institute of Culture, particularly the National Museum of Anthropology, Archaeology and History, principal location of the National Museum collections of Julio C. Tello, founder of professional archaeology in Peru. The two beautiful Paracas mantles originally excavated by Tello in what today is the Department of Ica, have been on loan for decades in the permanent exhibits of the Regional Museum. While the linear style red-dominant embroidered mantle (00001-02) has been maintained in an excellent state of conservation, the purple-bordered mantle from Tomb 253 (00037-02), embroidered in a figurative style related to early



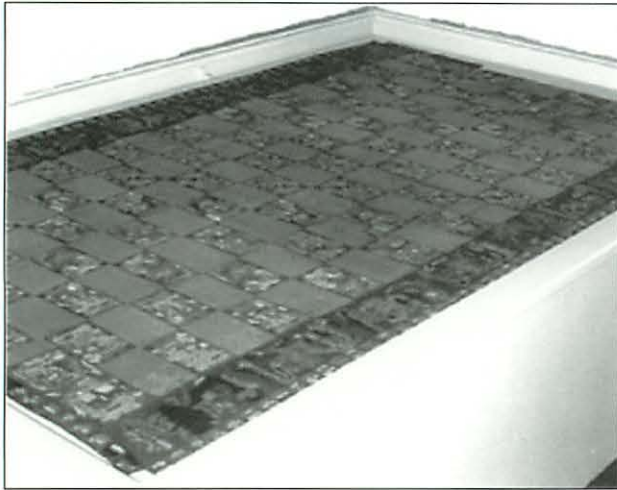
**Figure 3.** Lower part of the Wari tunic MRI-DB-47 with a missing piece, after placement of the interfacing and before the sewing of lining; the latter is now in place. Photograph 1997 by Anita Cook during restoration work by G. Katterman and N. Skov.



**Figure 4.** Lateral part of the tunic MRI-DB-47 showing one of the cloths with missing zones where the interfacing was placed, prior to the conclusion of restoration work by G. Katterman and N. Skov. Photograph 1997 Anita Cook.

Nasca, was from the beginning partially deteriorated and had suffered more during its years on exhibit. Particularly, one of the two cotton fabrics



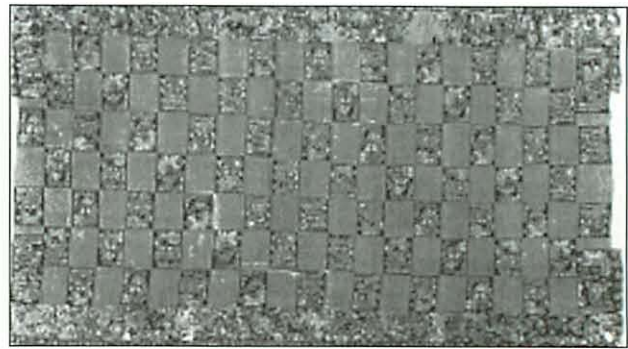


**Figure 5.** Textile 00037-02. Funerary mantle from the Paracas Necropolis (specimen 5 from tomb 253). Mantle is based on woven panels of red-dyed camelid hair and natural cotton. The embroidered decoration is arranged in panels, with the principal design repeated both in the rectangles on the red ground and on the fully embroidered border panels; dimensions 275 cm by 157 cm. Photograph taken after restoration work.

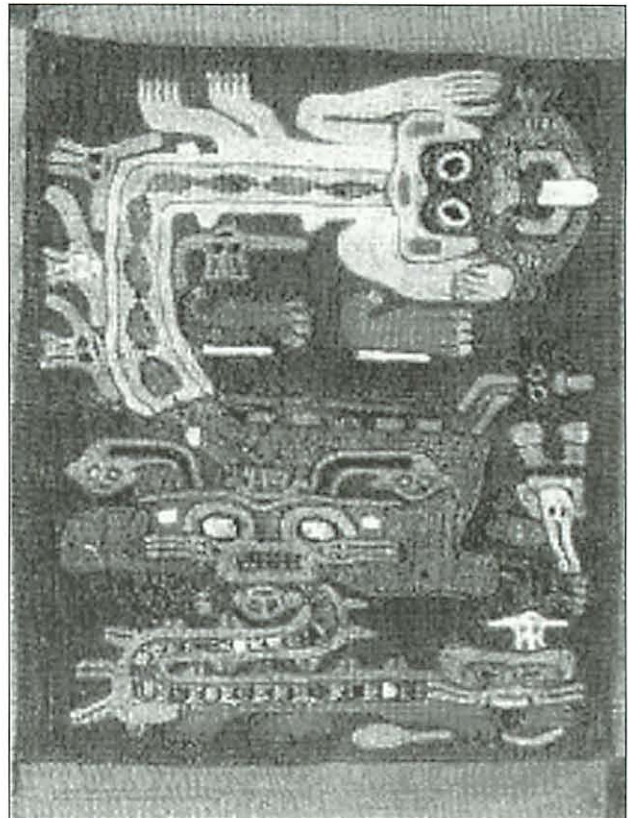
sustaining the embroidered borders has disintegrated, which left the elaborate embroidery as a mass of unattached thread that barely preserved the form of the monkey-like supernatural image repeated throughout the mantle. Its meticulous conservation was carried out during 2002–3 by archaeologist and textile conservator Carmen Thays Delgado, curator of textiles at the National Museum, together with assistant Luis Peña Calirgos, with logistical support from the INC and financial support from the Banco de Crédito.

By stealing these three textiles, the thieves and the collectors for whom they work take advantage of 80 years of custody, research, conservation and protection of these beautiful and unique examples of the heritage of all Peruvians. They also take advantage of the professional work of national and international experts, supported by both government and non-governmental public institutions. They also steal from the Ica public the three most impressive examples of their glorious past on display in the region — unlike most of their heritage, found behind private walls or in distant countries.

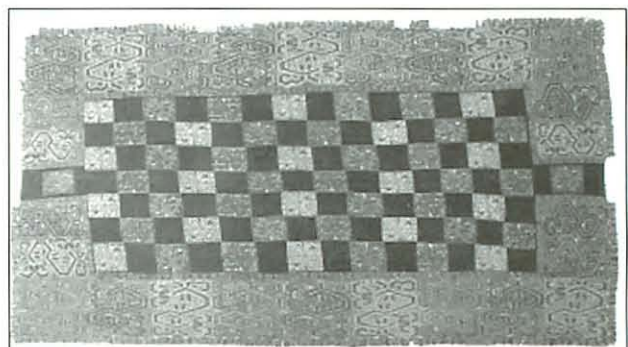
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**Figure 6.** Funerary mantle 253 (5) before restoration.



**Figure 7.** Principal design of funerary mantle 253 (5).



**Figure 8.** Textile 00001-02. Funerary mantle from the Paracas Necropolis. Mantle includes woven panels in camelid hair and cotton with a camelid yarn fringe and embroidered decoration. Zoomorphic designs in a linear style are repeated over the whole mantle, consisting of a central cloth with decoration of squares in a chequered pattern and two attached lateral bands completely covered by embroidery; length 245 cm, width 131 cm.



## 'Stolen history' on the internet

FABIO FICUCIELLO

Fragments of history and culture — stolen and sold on the Internet? Regrettably, following a long and thorough investigation, the Italian *Comando Carabinieri Tutela Patrimonio Culturale* has discovered that this crime is already taking place. The clandestine market for cultural heritage has not encountered any problems on the information network that connects even the farthest and the most remote corners of the world.

In the summer of 2002, in the context of an exchange of information with Interpol, the *Comando Carabinieri* in Rome came to know about a numismatic company selling ancient silver Cypriot coins on the Internet. After thorough verification of this information, the *Carabinieri* specialized in combating the illegal traffic in archaeological heritage, in compliance with the provisions of the 1970 UNESCO Convention to which Cyprus adheres, in collaboration with the Italian magistracy, and with wide-ranging telematic support, located the company responsible.

The investigations discovered that the registered office of the company in question was situated in the Republic of San Marino and therefore outside Italian jurisdiction. However, the company's account was linked to an Internet server that was on Italian territory, even though

just a few metres inside the border. What came to light next was a criminal organization dedicated to the illegal procurement in Italy and abroad of coins and other archaeological finds that were then sold on the Internet. The business was worth millions of euros and there were a huge number of clients worldwide.

Conscious of the importance of what had been discovered, the *Carabinieri*, with the benefit of long experience gained 'in the field' and deploying advanced technologies, conducted a coordinated investigation and succeeded in identifying a site in Romagna (north Italy) where the material to be sold on the Internet was stored. In October 2002, the searches that followed discovered what appeared to be a numismatic treasure trove. It comprised around 10,000 ancient coins, including 150 from the important ancient site of Amathus and a number of other archaeological artefacts dating back to the fourth century BC. The seizure was one of the most important in recent years and was one of the first blows to be struck against the criminal organizations that are trafficking cultural heritage on the Internet.

The work of the *Carabinieri* was praised in April 2003 at an official ceremony in Cyprus where, in the presence of the Cypriot institutions for culture and communications, the Italian Minister for Cultural Heritage and Activities returned the archaeological material recovered during the investigation. In so doing, the Minister restored to the Cypriots the testimony of their history and their culture.

On the basis of information acquired during the research carried out in 2002, further international and national enquiries were conducted, which led to the discovery of more illegal traffic in archaeological and numismatic material on the Internet passing through an international site. Acting on this discovery, during spring 2003 the *Carabinieri* carried out an operation throughout the whole of Italy that was aimed at breaking up this criminal enterprise. It led to the arrest of four individuals and to the seizure of more than 19,000 coins (16,000 bronze, 2600 silver, 94 gold), 400 archaeological arte-



Figure 1. Archaeological material recovered by the *Comando Carabinieri Tutela Patrimonio Culturale* during operations in 2002.





Figure 2. A coin recovered in 2002.



Figure 3. A coin recovered in 2002.

facts of different types and dates, and 250 pieces of jewellery.

The international collaboration that had enabled the investigation also led to a strengthening of cooperation between Italy and Cyprus. In summer 2004, the *Carabinieri* hosted a seminar in Cyprus for members of the Cypriot police force

where they presented an in-depth analysis of the clandestine market for cultural heritage and discussed methodologies that may be used in the fight against it.

These investigations constitute a very strong sign that the fight against crime, including crimes against cultural heritage, can become efficient and can guarantee important results when international collaboration takes place. Information exchange between the different law enforcement agencies is increasing in modern society, which itself is in continual transformation and increasingly challenged by the multifaceted 'global village' of the Web.

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Comando Carabinieri Tutela Patrimonio Culturale  
Rome  
Italy

## In the News

JENNY DOOLE

### Looting and smuggling in Iran

- In January 2001 locals from **Jiroft** in Kerman province, southwestern Iran, discovered and emptied an ancient tomb belonging to an early fourth- to third-millennium culture of great archaeological significance. **Systematic looting** ensued with many further tombs discovered, some estimated to have contained up to 60 objects. Families were allocated 6 m<sup>2</sup> dig plots. This first phase of looting was finally stopped a year later, when Iranian police arrived in sufficient numbers, confiscating around 2000 objects locally and others in Tehran and Bandar Abbas which were ready for shipment abroad. Initial results of official excavation at the site, which began in February 2003, were published by Yousef Majidzadeh.

Further developments:

- Officials from the Iranian Foreign Min-

istry have **asked their counterparts in London** to investigate reports that a **Kuwaiti citizen has tried to smuggle looted artefacts** to the United Kingdom. The Iranian Cultural Heritage and Tourism Organization sent photographs and documentation to back up an ownership claim for several objects from Jiroft.

- A **Jiroft artefact** which was to be sold at **Sotheby's** in London on 12 October **will be returned to Iran** following negotiations between the French institution which had acquired the piece and Iran's Cultural Heritage and Tourism Organization. The French institution had suggested solving the matter via direct co-operation rather than through international bodies.
- Rahmatollah Raouf, commander of the National Cultural Heritage Corps said (CHN, 31 August 2004) that, according to tip-offs, **locals are now digging out their yards and gardens** in search of ancient objects. Law enforcement officers, he said, were not able to police all houses. The only solution is raising public awareness.



- Jiroft items are reported to have appeared on the **Western market in France and UK** catalogued as Middle Eastern or Kerman.
- In October, **two men** convicted of conducting illegal excavations at Jiroft and smuggling antiquities abroad **were sentenced to death** subject to supreme court approval. The legal department of Iran's Cultural Heritage Organization said this was the first time a death sentence had been imposed for antiquities trafficking and hoped that as the executions would be carried out in the town it would put an end to such activities (Iran mania, 4 October 2004).
- In October, following a tip-off police **broke a ring of six smugglers in the southern province of Bushehr**. They seized an inscribed stone tablet, 2 Achaemenid gold bracelets, 3 bronze daggers, and around 80 ancient coins. The group had also looted 9 clay vessels from Jiroft.
- *November*: Iranian police in the central Zagros mountain province of Chaharmahal-Bakhtiari **arrested 36 members of an alleged antiquities smuggling gang** and recovered more than 940 stolen Seleucid and Sassanid gold and silver coins, swords, figurines, vases, mirrors and inscribed tablets.

### Pakistan/Iran survey

The results of a **six-year survey in Pakistan and Iran** (conducted by Professor Robin Coningham of the University of Bradford, UK, and colleagues from the universities of Peshawar and Tehran) indicate that **90 per cent of major archaeological sites have been looted**. Of 18 newly-discovered first-millennium BC sites, 14 had been damaged by illicit digging, and more than 120 sites in the Tehran plain dating back to 8000 BC showed signs of recent looting. Professor Coningham expressed concern that looted material from the area may end

up on the market in London (see *The Times*, 8 November 2004).

### Afghanistan update

- *November*: **Antiquities believed to have been looted or lost** during the plunder and destruction of Kabul Museum, Afghanistan, have been **recovered from more than 100 storage boxes** found in hidden caches in the presidential palace complex and other safe places. More than 2500 items — including Bactrian gold jewellery, gold and silver coins, plaster medallions and carved ivories — had apparently been packaged and stashed away by museum staff fearful for the objects' safety during the Soviet occupation, and miraculously survived the tumultuous years that followed (see *Washington Post*, 18 November, 2004).
- Daan van der Schriek on Eurasianet.org (10 August 2004) reports that:
  - Sayed Raheen, Afghanistan's Information and Culture minister says that he is now **reluctant to visit archaeological sites** because of the **subsequent risk they will be looted**: people think that a ministerial visit must mean treasure and illegal digging begins as soon as he has left.
  - **Ai Khanoum and ancient Balkh** in the north of the country are among those sites particularly **badly plundered**, according to SPACH (Society for the Preservation of Afghanistan's Cultural Heritage).
  - It is **dangerous for those trying to protect archaeology**: in 2003 four police officers were murdered when sent to protect an ancient site, and Raheen adds that he logs numerous instances where people have suffered beatings after informing the authorities about cases of antiquities looting.
  - **Poor wages are an issue**, since there is more money to be made for those involved in looting and smuggling, rather



than protection of the archaeology.

- Raheen believes the **power of warlords is too great** to be overcome by the good efforts being made by UNESCO in launching an awareness campaign urging locals not to destroy their heritage and inform authorities about illegal excavations.



## Illicit antiquities in Israel and Palestine

- Lauren Gelfond Feldinger of the *Jerusalem Post* (29 July 2004) reports that:
  - Ron Kehati of the Israel Antiquities Authority estimates that **illegal digging** in Palestinian Authority territory is **up more than 50 per cent**.
  - A Palestinian tomb robber claims **looting is worse since the intifada started**, since there is no other work.
  - He says that **dozens of locals**, who previously made their livings in other ways, **dig illegally in Sebastia** every day.
  - Some **Israeli dealers argue they are preserving Jewish heritage** by purchasing and then smuggling antiquities across the Green Line.
- *May*: **600 antiquities** (including coins, pots, jewellery) were found during a **raid of the Hebron apartment** of a 70-year-old Palestinian man, along with \$200,000 cash. He said the items were nothing to do with him, having been found by his children.
- Six people from Jabel Mukaber, Jerusalem were caught by border police **allegedly digging illegally in a cave** in the Nahal Kidron area where many ancient burials are located.
- A **panel** from the green crystalline glass floor of a Byzantine kiln was **stolen from an archaeological park at Apolonia**, near Tel Aviv in June. The 50 cm square section, a rare example of Byzantine glass, was apparently broken out of the 2 m square floor

using a hammer. Police suspect the crime was commissioned by a private collector.

- Megan Goldin of Reuters reports (15 December 2004) on the **activities of Monzer, a 27-year-old grave robber from the Hebron** area, who learned his looting skills from his father:
  - He is a jeweller by day but at night leads a gang of 10 thieves plundering hills around the city.
  - The team works at night (when they can more easily slip into Israel to pass material on to dealers), dress in dark clothes and use metal detectors, sieves and knives.
  - Such is Monzer's success he drives a new BMW.
  - He says his best find so far was a rare Jewish half-shekel coin sold for \$20,000 to a middleman, and that gold (especially jewellery, which he will break skeletal arms to remove), coins and ceramics are most sought after.
  - The antiquities unearthed end up in London and New York.
  - The only thing that frightens him is the thought of the 'djinn', or ghost said to inhabit the burial chambers. Some thieves apparently bring Muslim holy men to recite incantations and drive the 'djinn' away.



## Chinese news

- Chinese museum curator **Li Haitao was sentenced to death** in court in Chengde, Hebei province for his part in the **theft of 259 objects** from the Eight Outer Temples imperial complex where he was responsible for security (see 'In the News', *CWC*, Issue 13). He will appeal. Four accomplices were given jail sentences of two to seven years and fined.
- According to a shopkeeper at Panjiayuan market, **foreign diplomatic staff** based in



Beijing are **involved in smuggling ancient artefacts** out of the country. She says: 'One of my friends, who works at the German embassy, has a brisk business in ancient objects. Customs never look into his luggage, because he's a diplomat.' (*Daily Times*, 26 April 2004)

## Guatemalan court action

In court in Guatemala in May, three members of the same family (Salvador Coy Bol, Ciriaco Coy Cabnal and Publio Paau Coc) were **sentenced to three-year jail terms for the 2001 theft of a Mayan altar from the site of Cancuén** (see *CWC*, 'In the News', Issue 13), where Coy Bol had been a security guard. Their defence falsely alleged that others, including the American excavator of the site, Professor Arthur Demarest, were responsible for the theft.

The **convictions are the first against antiquities thieves in Guatemala** and it is hoped will act as a deterrent. Professor Demarest, who endured threats against both himself and his team during the long-drawn-out proceedings, emphasized the importance of contextualized archaeology as a source of income for the local Maya, saying, 'Looters are a minority who are destroying the permanent economic support base of tourism in order to make a quick buck. It [the verdict] is very discouraging to looters because nothing like this has ever happened before' (*The Art Newspaper*, July–August, 2004).

## More Phoenix Ancient Art

- **Ali Aboutaam, of Phoenix Ancient Art, was one of 26 people sentenced** by an Egyptian court (see below) to a 15-year prison sentence for involvement in an antiquities smuggling ring. Aboutaam told *The Art Newspaper* (September 2004) that he had been unaware of the trial and his

lawyer had been given instructions to have the *in absentia* verdict nullified.

## Yemeni return

In November an **alabaster plaque** dating to about AD 350 and depicting a fertility goddess was **returned to the Yemeni ambassador** to the United Nations at a ceremony in Manhattan. The piece had been seized by the US Immigration and Customs Enforcement agency when it was consigned to auction at Sotheby's for an estimated \$30,000 by **Phoenix Ancient Art**, who claimed that it came from a private English collection. Investigation by Sotheby's showed that it had in fact been **stolen from a museum in Aden in 1994**.

## Egyptian news

- **Tariq Suissi** (or Tarek Al-Sweisi), the ringleader of a ring responsible for smuggling hundreds of ancient artefacts out of Egypt (see 'In the News', *CWC*, Issue 13) was **sentenced to 35 years in prison** by an Egyptian court in April. Suissi, a businessman and senior official with the ruling National Democratic Party (from which he has now been expelled) was convicted of stealing, hiding (some in his Cairo villa) and smuggling the objects, and also of possessing drugs, weapons, and money laundering. A senior customs official received a 20-year sentence. The **other defendants** — including police, customs and Supreme Council of Antiquities officials from Egypt, Switzerland, Germany, Kenya and Lebanon — **were tried in absentia** and each sentenced to between 1–15 years (see above 'More Phoenix Ancient Art').
- In June, on their return to work on the tomb of a nobleman (from the era of Pharaoh Akhenaten, 1379–1362 BC) after a six-month break, a team of **archaeologists**



from the University of Pennsylvania discovered that it had been plundered. The mummy of a child and four small items had been removed through a back tunnel leading to a house in the town of Gournā, which is built on top of some 420 Pharaonic period tombs. Its inhabitants are believed to have plundered the cemetery for decades.

- A granite **fragment from a temple wall** stolen from Behbeit el-Hagar, Gharbia in 1990 was **returned to Egypt from the USA** in August. It was offered for sale along with other items for \$7000–9000 by Christie's in New York in June, 2002 but was withdrawn from sale and confiscated by the Federal District Court in Manhattan in October 2003 following notification by the Egyptian government that it had been looted. The relief fragment will now be reinstated in the recently rebuilt wall.
- In October **617 Egyptian antiquities** (including two wooden Pharaonic coffins, and Hellenistic amulets and pots) were **returned from London to Cairo**. They were stolen by Egyptian smugglers, shipped via Switzerland to London where they were seized at Heathrow airport four years ago. It is not known where they were from.
- The Prosecutor-General announced that **10 Egyptians, including three top archaeologists, will stand trial accused of stealing 57,000 antiquities from warehouses** and smuggling thousands of them abroad. The group were arrested in January 2003 following the discovery by customs police at Cairo Airport of Pharaonic, Roman and Greek objects packed in a freight box for shipment to Spain (see 'In the News', *CWC*, Issue 12). The chief of Pharaonic antiquities, Sabri Abdel Aziz, will also face a disciplinary tribunal, charged with negligence of duty.



## Looting of and efforts to save Iraq's archaeology

- **John Malcolm Russell**, expert on safeguarding the archaeology of Iraq, was **honoured by SAFE** (Saving Antiquities for Everyone — a non-profit group founded in the last year in response to the looting of the National Museum in Iraq) at a dinner in New York in October (see [www.savingantiquities.org](http://www.savingantiquities.org)).
- Meanwhile, **Zainab Bahrani**, who succeeded John Russell as international advisor to the provisional government of Iraq in May, left the position in August. She **expressed concern over the lack of protection for archaeological sites** in the country.
- The first meeting of the **International Coordination Committee for the Safeguarding of the Cultural Heritage of Iraq**, established under the joint auspices of the Iraqi authorities and UNESCO, was held in Paris in May, chaired by Iraqi Minister for Culture Moufid al Jazairi. The committee, which comprises 25 international experts, will **provide advice on measures to improve and reinforce international cooperation** by assisting the Ministry in institutional reform, capacity building and training, devising museum conservation plans, setting up international co-operation systems, coordinating and channelling international aid, strengthening and enforcing national cultural heritage legislation, and recording and planning archaeological sites (see below).
- The **World Monuments Fund**, with the support of the **National Endowment for the Humanities and UNESCO**, is working on a **project to create an Arabic–English data base of archaeological sites in Iraq**, containing information on their condition and threats to their preservation (see *Humanities* magazine, Nov/Dec 2004). Project director, Gaetano Palumbo,



believes the data base may provide authorities with information to help stem pillage from Iraqi sites by mapping where looting occurs so that agencies can co-ordinate efforts and perhaps predict locations of future damage.

- **September: Eight Iraqi customs officers were found dead** in the region of Latifiyah. They were apparently attacked while transporting antiquities (including 70 fragments of cuneiform-inscribed tablets, 12 carved vases, coins, bracelets and jewellery) recovered by Italian police and Iraqi customs who cracked a criminal smuggling gang and arrested two men. The antiquities are now missing.
- **August: Joseph Braude pled guilty** in a New York court to **smuggling three ancient marble and alabaster seals** stolen from Iraq museum and making false statements. He was caught with the items in his luggage at a New York Airport and initially denied he been to Iraq when, in fact, they had been purchased on the black market in Baghdad (see 'In the News', *CWC*, Issue 13).
- In August **Jordanian customs officials seized two boxes containing 18 ancient statues**, suspected to have come from Iraq, during a routine search of a private car at the Al Karama border crossing. The driver claimed they were to be mailed to an exhibition in France.

UNESCO's programme specialist for Iraq, Philippe Delanghe said that, while such theft is nothing new, he now sees more **opportunistic theft**, rather than the theft-to-order previously encountered (*Jordan Times*, 13 August 2004).

**Six antiquities** (including a winged bull and half-man-half-lion statue, some with possible museum identification labels) were found **hidden in a car driven through the same border crossing** by an Iraqi man in early October.

- During a conference hosted in Amman in May by the Jordanian government and Interpol:
  - Mahmoud Qteishat, director-general of the Jordanian Customs Department called the **looting of archaeological sites in Iraq the crime of the century**. He called on customs, concerned regional and international organizations and neighbouring countries to consolidate efforts and cooperate to impede smuggling. Meanwhile,
  - Donny George of the Iraqi National Museum told Aljazeera (1 June 2004) that: around **15,000 objects are still missing** from the museum; he is sure Iraqi antiquities have been leaving the country via Turkey and Iran; some neighbours, including Jordan, Syria, Kuwait and Saudi Arabia are holding stolen objects safe until Iraq requests their return.
  - Interpol chief, Willy Deridder said that **looting is particularly acute in southern Iraq**, and that 10,000 of Iraq's estimated 100,000 sites are 'almost impossible to protect'.
- The head of the **World Tourism Organizations of the United Nations** said the US-led coalition in Iraq needs to establish a **physical presence at threatened archaeological sites**, arguing that their looting and destruction will deprive Iraq of valuable, future tourist revenue.
- In June, Iraqi police announced that, following a tip-off and a sting operation, they had **arrested four men in possession of hundreds of antiquities** (including statuettes, bowls and cuneiform tablets) alleged to have been illegally excavated in the area of ancient Babylon. They were selling the items for just \$100 a crateful (see *USA Today*, 13 June 2004).
- In September a **London dealer handed over to police an ancient incantation bowl** which may have come from Jordan, Iraq, Iran, Syria or Israel.



- A report by archaeologist Joanne Farchakh Bajjalý in the *Daily Star* (21 September 2004) **describes looting in Iraq as out of control**.
  - Archaeologist responsible for the Nasiriya district, Abdul Amir Hamadani, says **more than 100 Sumerian cities have been destroyed** by looters since the beginning of the war.
  - **Efforts by the Italian carabinieri** (including helicopter fly-overs of archaeological sites, foot patrols and arrest and imprisonment of culprits) were **successful in temporarily stemming looting** but apparently terrorized locals and encouraged them to join insurgent armies, highlighting the political difficulties surrounding archaeological protection.
- **70 stolen antiquities were retrieved** from the Oma and Jokha regions by Iraqi antiquities protection police working alongside Italian carabinieri. They were returned to the city museum in Nasiriyah, 350 km south of Baghdad, according to a report by a local newspaper (*Al Sabah*, 22 November 2004).



## News from Italy

- A plan by members of the Italian government to **legalize private ownership of antiquities** has outraged archaeologists (see *The Guardian*, 9 November 2004). It is proposed that finds may be purchased from the state for five per cent of their estimated value. Those for the scheme argue that it will mean unknown treasures will be declared, those against regard it as a 'looters' charter' and 'an incitement to theft'.
- A spokesman for the Italian Ministry of Culture in Sicily, said that **Sicily will be severing all ties with foreign museums that display artefacts they believe to have been illicitly smuggled** from the is-

land, including the Metropolitan Museum in New York which holds the 'Morgantina Hoard' which Italian officials say was allegedly illegally excavated and exported via Switzerland and Paris.

- Around **100 ancient Roman artefacts**, including marble busts, vases, and a sarcophagus, have been **confiscated by police in series of raids of homes, restaurants and hotels** in the Naples area. They are the product of extensive archaeological looting in the vicinity.



## Smuggling of Nicaraguan objects

*June:* **Félix Vardal Puerta and Francisco Javier Castillo** (two aid agency doctors) were **arrested in Madrid and Valencia** respectively for allegedly **illegally importing 228 pre-Columbian objects** (including necklaces, chalices and musical instruments more than 2000 years old) from Nicaragua via middleman Donald de Jesús Moreno Tapia. Tapia was sentenced by a Nicaraguan court to six years in prison (see *The Art Newspaper*, October 2004, and VOA 16 June 2004).



## UK concern over eBay sales

*October:* **Head of Treasure at the British Museum, Roger Bland, called on eBay, the Internet auction forum, to agree to close down quickly sales of archaeological items when British authorities inform them that they may qualify as national treasure** under the terms of the Treasure Act, 1996. eBay, while not wanting illicit antiquities on the site, has been willing to remove them only if officials can identify them as clearly illegal, which would require information on exactly where and when a piece had been dug up. eBay said they would be willing to agree to a process whereby the British Museum would go



through the arts and antiques unit of the Metropolitan Police, London who would investigate and inform eBay of illegal items.

## Cypriot returns and accusations

- *July*: A German court finally ruled that **hundreds of Byzantine icons, mosaic, and artefacts stolen from northern Cyprus** more than 30 years ago and smuggled to Germany will be **returned to the Republic of Cyprus**. The decision follows seven years of legal wrangling. They were found in the Munich apartment of Aydin Dikmen (see 'Cyprus mosaics', *CWC*, Issue 3), who fought for the antiquities through the courts, but could not ultimately prove ownership.
- *August*: The **Attorney-general of Cyprus** announced plans to **request that the European Parliament lift immunity against prosecution for MEP Marios Matsakis** following a series of allegations, including alleged purchase of stolen Cypriot antiquities worth hundreds of thousands of pounds (*Cyprus Mail*).

## UK museum and church thefts

- **Ancient Chinese objects have been stolen from two major London museums** in two apparently well-organized, and possibly linked, raids. Nine small items of carved Chinese jade (cups, a bowl, plaques and figurines said to worth around £60,000) were taken from the Victoria and Albert Museum on 4 October and 15 further pieces (jewellery and fingernail guards) from the British Museum later in the month.
- Around **70 tombstones**, including many Roman examples, were **stolen from the**

**path to St Catwgs Church, Gelligaer, Caerphilly, Wales**, in April. They are worth up to £300 each on market.

## Illicit antiquities and Greece

- *Kathimerini* (26 June 2004) highlighted the problem of **lack of protection for archaeological sites in Greece** by publishing a photograph of two young tourists digging illegally at the important site of Mycenae. The foreign schoolchildren used their hands and a pickaxe they found in the vicinity.
- *May*: The **Greek Culture Ministry displayed a recently returned fragment**, once part of the cuirass of a colossal statue of a Roman general/emperor, which had been **stolen from the Amphiaraeion in September 1991**. The piece was smuggled to Germany and returned with the aid of Interpol following its discovery in Munich.

## US up-date

- The **Utah US Attorney's Office and federal prosecutors in Arizona, Colorado and New Mexico** joined together to announce a **90-day amnesty programme**, to run from May to August, during which people could return Native American artefacts in their possession with no fear of official recrimination. Usually possession of such items would incur federal prosecution and penalties.

In New Mexico, arrowheads, a frog-shaped ceramic canteen, a statue of war god Zuni, ancient pots and sherds were returned, sometimes with apologies, or notes describing how they had been acquired, and in Colorado, human remains, whole pots and some small artefacts were recovered.

- Investigators from the **National Park Serv-**



**ice and US Attorney's Office of Nevada** went on all-terrain vehicle tourist tours near Logandale with **ATV Adventures Inc.**, and confirmed reports that that **employees of the company were collecting artefacts from archaeological sites** and encouraging clients to look for and take such items as souvenirs — apparently with the knowledge of the owner and general manager of the travel firm. Damage costs were assessed as \$41,798.53 and in June ATV Adventures pled guilty to a felony ARPA offence, and company owner Stoney Ward and the general manager to misdemeanours. In November the company was sentenced to two years probation, restitution fines of \$13,578 and \$60,000 in community service, an \$800 penalty fee and suspension of their access permit to Bureau of Land Management (BLM) lands for 30 days. Ward and Freeman got six month's home confinement, two years probation, restitution fines of \$3692.97 and personal fines of \$2000 each. The judge told them to spread the word that damaging archaeological sites is wrong, and those doing so will be prosecuted and punished.

- The **trial of two men in Reno for theft of ancient rock art from national forest land** (see 'In the News', *CWC*, Issue 13) has sparked debate as to how best to protect ancient sites. The defendants claim they **did not know they were doing wrong** taking the carved rocks, since there were no signs marking them as ancient, but Fred Frampton, the US Forest Service's chief archaeologist for the area, say signing such locations is like saying 'Dig here for buried treasure' (see *Las Vegas Sun*, 31 May 2004).
- Recent high-profile cases of artefact theft in Nevada have also prompted **efforts to record and monitor the state's archaeological heritage**. The **Nevada Rock Art Foundation**, with a team of around 400 volunteers is now working to protect the 1000 or more rock-art sites. Such volunteer programmes have proven successful

elsewhere, according to Mark Michel, president of the Archaeological Conservancy of Albuquerque, New Mexico, where volunteers monitor sensitive sites and the preservation group acquires archaeological sites on private property. The Bureau of Land Management acknowledges that it does not have the resources to fight looting alone.

- Jerry Howard, curator at the Mesa Southwest Museum and Scott Wood, an archaeologist with the Tonto National Forest, says in the *Tucson Citizen* (29 April 2004):
    - That **demand for ancient Native American pottery** to sell in Internet sales is driving **currently rising levels of looting** in Arizona.
    - He has seen **rare items, probably from graves, sold on eBay**, like some Hohokam artefacts described as excavated from private land in Queen Creek, then sold to a dealer in Scottsdale and even pot sherds are in demand.
    - A **Site Steward Program has been developed** in which hundreds of volunteers patrol specific sites of federal and public land.
    - It is **difficult to prove an object comes from public land**, therefore difficult to prosecute.
    - The **market is hot in Saudi Arabia, Europe and Japan**.
  - Utah rancher **Waldo Wilcox found a series of 1000-year-old Native American sites** on his land, but had kept their existence secret since the 1940s in order to protect them. Archaeologists said the sites, which include thousands of ruins straddling a 12-mile stream and spread over more than 1000 acres, are of great significance and had **never been looted**. (By contrast, every pit house on Indian ruins on government held land to the south of the ranch has been looted, according to Kevin Jones, Utah's state archaeologist).
- The state of Utah purchased the ranch for \$2.5 million and will work to preserve



the sites and allow public access. However, only weeks after their existence was made public, **thieves had made their way to the remote location** southeast of Salt Lake City. A pair of stone knife blades, uncovered by University of Utah archaeologists, was missing.

- The *Billings Gazette* reports (12 September 2004):
  - Four major **looter pits** (one 10 ft long) and two **smaller shovel-size holes** have been found in a **remote rock shelter in Weatherman Draw canyon**, near Montana's Pryor Mountains. The site contains hearth evidence of ancient Native American occupation, and what is left is now being investigated by BLM archaeologists led by Glade Hadden.
  - Hadden says that during the last five years, **looters have increasingly targeted remote canyon sites** on BLM land south of Bridger.
  - A **Crow Tribe Tobacco Society** site in Pryor mountains, found and reported by amateur field walkers, was **looted a week after archaeologists documented the site**.
  - Hadden has conducted rescue archaeology on a possible **rare Fremont site** in the area which appears to have suffered **long-term, illegal looting**. Most of the 100-acre site had been destroyed.
  - BLM field officer Chuck Ward says he has help from **Public Lands Citizen Watch**, a group of six or more Billings citizens who patrol the area in return for minimal expenses when such are available. He has also instigated an **electronic surveillance system** to catch looters in action at one heavily-looted site, with no luck as yet.
  - Chris Finley, cultural-resources manager at neighbouring Bighorn Canyon National Recreation Area also described archaeological looting as a 'serious, serious problem'.

## Indian arrests

*November:* Police in **Varanasi, India**, **arrested six men** (two alleged thieves and four alleged middlemen) in Mahujiangar village as they were trying to secure a deal. **Six silver and alloy statues more than 1000 years old were confiscated** — a fraction of what had been stolen. The police, who believe the items were destined for the international market, said that the thieves had no idea of their real value on that market, are looking to make more arrests.

## Algerian concerns

- Hussein Umbaz, site director at Talsi, in the Algerian desert, says that **stolen Algerian antiquities are being offered for sale on the Internet** for €1000–100,000 or more. He accused German archaeologists who excavated under government contracts in 1992 of smuggling artefacts out of the country.
- In November five **German tourists were arrested for stealing 130 artefacts from Tassili National Park**. They were sentenced to three months in prison and fined 300,000 Algerian dinar (\$4300) which will go to the authorities responsible for the site. The group, aged 32–53, had disappeared from their tour (sparking a massive search operation by authorities fearful they had been kidnapped by extremists) and were later found camping in the desert with the objects in their vehicle.

## Information from Mexico

**Mexican collector Guadalupe Chaparro** is quoted in the *Houston Chronicle* (19 May 2004), saying that:



- It is **easy to find sellers** of recently-excavated antiquities in villages by merely asking around.
- She usually **pays between \$50–200** for artefacts which would fetch thousands at auction in the US.



## Peruvian cases

- **41 pre-Columbian artefacts, were returned to Peru from the US** after a man from Arlington was arrested last year trying to sell them on the black market. Abelardo Sandoval, an archaeologist who helped authorities identify much of the stolen material, said that one of the pieces of textile in the hoard, a burial shroud woven between AD 1100 and 1400 had faded and been damaged by washing at some stage before it was recovered.

US Customs also referred to the case of a Colorado man who was discovered smuggling Peruvian antiquities he had bought from a looter and then concealed in his rock-climbing gear (see *Washington Post*, 1 May 2004).

- *December:* **A Sican period mask is to be returned to Peru** after a collector in Italy handed it to police. The gold and red mercury sulphide mask, which depicts sea god Naylamp, is not recorded as stolen from any museum, collection or site and may have been taken out of the country after being sold by grave-robbers in the 1960s or 1970s. It will be put on display in the National Sican Museum.



## Viking artefacts in US

*May:* Swedish archaeologist Christian Runeby has filed a complaint with Swedish police and asked the Swedish Foreign Ministry

to **petition the US Government to seize Viking artefacts being offered for sale on the WWW site of Faganarms**, a Michigan auction house. Almost 100 swords, knives and horse harnesses, dating to AD 800, were being offered for sale for about \$26,000 are described as having been excavated from a single settlement on Gotland. Under Swedish law all archaeological artefacts are State property and Runeby said that while it is not certain these items had been illegally exported their authenticity should be checked. He believes they may come from the site of Vallstena on Gotland.



## Syrian return

Research work by Lindsay Allason-Jones and colleagues at the **University of Newcastle's archaeological museums** (UK) has resulted in a piece of a **Roman lead sarcophagus being returned to the Syrian National Museum**. A member of the public, who had been given the panel by a friend, brought it to the museum as a donation. The ownership documentation was in order but a certificate of authenticity from a French antiquities dealer gave no clue as to provenance. It has now been established that there may be some connection with the Phoenician/Roman city of Aradus.



## Illicit antiquities in Bulgaria

- *June:* Around **30 Thracian treasures have been stolen from a museum** in the Bulgarian town of **Lovech**. Thieves broke into the building and the iron case they were kept in. There is a chance that the items, which were due to be exhibited abroad, may have been duplicates.
- *June:* **23 antiquities** (including eight Roman, Hellenic and Byzantine silver and copper coins, a bronze lion-head latch, a bronze mace, and tobacco pipes) were



**found in the luggage of a female occupant of a car driven by a British national,** when it was searched by customs at Malko Tanovo checkpoint.

## Improved situation at Angkor Wat

- The famous temple complex of **Angkor Wat**, Cambodia, has been **taken off UNESCO's World Heritage danger list** after 12 years. UNESCO said that the last decade has seen many of Angkor's serious problems solved, thanks to international co-operation (including investments of \$50 million), efforts by the Cambodian government (who have set up a specialized heritage protection police division, inventoried cultural goods and organized campaigns against the sale of stolen objects) and UNESCO's own involvement.

## New Zealand to sign 1970 UNESCO convention

*July:* The New Zealand government announced its intention to sign the **1970 UNESCO Convention** and the **1995 UNIDROIT Convention**. The two conventions will be subject to a Parliamentary treaty examination process and referred to a Select Committee which will make recommendations to the government.

## Sudanese recovery operation

In August **54 artefacts** (including 19 ancient Nubian statuettes, a Meroe dynasty funerary statue, a prehistoric, ossified skull and many small necklaces, sculptures and razors) **were recovered and four people detained by Sudanese militia**. The objects, worth hundreds

of thousands of dollars, had been stolen from the National Museum of Sudan in November 2003, but the theft was kept quiet to allow undercover investigations. When the thieves found they were unable to get the haul out of the country, they tried to sell to purchasers planted by the Economic Security Branch, were caught and the artefacts found (see *Sudan Times*, 18 August 2004).

## Security measures in Hawaii

*August:* Following reports that **Hawaiian burial artefacts from the Kanupa Cave had been smuggled for sale** on the Big Island, and the day after Native Hawaiian organizations announced that evidence had been found of a break-in at the cave, the **entrance was sealed as a security measure**. State authorities said they would be helping Federal investigations into the break-in and theft (*The Honolulu Advertiser*, 27 August 2004).

## Australian museum theft

Five **Roman artefacts**, worth around Au\$300,000, were **stolen from the Australian National University in December**. The theft was discovered by a cleaner in the early hours of the morning; it is believed the thief entered the museum before closing time and hid overnight before leaving through a fire door. The objects were: a bronze bust believed to depict Livia, wife of, or Octavia, sister of Emperor Augustus; a gold and carnelian ring with engraved portrait head, a gold necklace; gold earrings and a vase with twisted handles depicting an erotic male/female scene. The common female theme of the items had led investigators to suspect that the thief may have been working for a collector who ordered a specific assemblage.



## Briton released from Turkish prison

**Paul Cleasby** a businessman from Cumbria, UK was **released from jail** on bail of £3440 by a judge in Antalya on condition that he returned for trial on 28 February 2005. He was arrested returning home from holiday in October when **customs police found a 15 kg pink marble antiquity in his suitcase** which he says he bought from a street vendor.

## UK conviction

*December:* Nighthawk **Richard Tebble**, from South Shields, was **sentenced to one month in prison** and to have his £800 metal detector confiscated (pending appeal) after being caught at night with the detector and a spade on an important Roman/Iron Age site near Market Harborough.

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## The fall of Robin Symes

PETER WATSON

**M**r Robin Symes, London's best-known and most successful dealer in antiquities, was sent to prison for two years at the High Court in the Strand on 21 January 2005. He was jailed on two counts, one for 15 months, the other for 9 months. Both were for contempt of court. A third charge, for yet another contempt, still hangs over Mr Symes. He was given a one-year prison sentence, suspended, in the summer of 2004 and the judge, Mr Justice Peter Smith, refused to lift the suspension. This means that, unless Mr Symes complies with certain undertakings he has given to the court, while he is in prison, he could serve a further year after his current sentences expire.

The prison sentences were the culmination of a set of circumstances that began in Italy in the summer of 1999. At a dinner, at a rented villa in Umbria, hosted by (the late) Mr Leon Levy, a noted American collector of antiquities, and his wife Shelby White, Mr Symes's partner, Mr Christo Michaelides, fell down some steps, hit his head on a radiator, and died in hospital the next day.

Initially, during the period of intense grief that followed the tragedy, there was no dispute between Mr Symes and Mr Michaelides's Greek family. Mr Symes and Mr Michaelides had lived together since the early 1970s. They had a house in London, flats in New York and Athens, and shared a property on the Greek island of Schinoussa. About a year after the accident, however, the Greek family of Mr Michaelides asked for his affairs to be settled. They took the view that Mr Symes and Mr Michaelides were business partners, that they



(the latter's Greek family) had inherited his share of the business, and they wanted to sell their 50 per cent. They were shipowners, they said, and they knew nothing about antiquities. Mr Symes, however, took the view that Mr Michaelides had only been an employee of the company that traded antiquities, called Robin Symes Limited, and that therefore he, Symes, was the lawful owner of the whole business.

Legal action followed. The Greeks took action in London, and succeeded in having Mr Symes's assets frozen, so that he could only trade with the court's permission and knowledge. Mr Symes took action in Athens, claiming harassment, an action he subsequently withdrew.

The London court eventually decided that Mr Symes and Mr Michaelides *were* business partners, and that therefore the latter's Greek relatives were entitled to 50 per cent of the business assets. In the course of these proceedings, however, Mr Symes, who was then living in Geneva, had his passport impounded, to prevent him leaving the jurisdiction of the court. One of the effects of this was to limit the funds at his disposal. Subsequently, he was unable to pay his solicitors (he had employed several) and, because of this, he was made bankrupt.

So far, this case had been a civil case. However, during the course of the (interlocutory) hearings, it had transpired that Mr Symes, who had originally admitted to storing his assets (mainly antiquities) in five warehouses, in fact had twenty-nine warehouses spread across London, Switzerland and New York. Becoming sceptical of Mr Symes's openness in disclosing his assets, the lawyers for the Greek family, Messrs Lane and Partners, began to examine some of Mr Symes's transactions closely. Mr Symes was followed, and the paperwork for his transactions double-checked.

During this scrutiny it emerged that Mr Symes had sold, or said that he had sold, a Granodiorite Egyptian statue of Apollo to a company in America, Philos Partners, of Cheyenne, Wyoming. When Lane and Partners examined this transaction, it turned out that Philos was a fictitious company, and that the address Mr Symes had said he sent the statue to did not exist. It later transpired that the statue had in fact been sold to Sheikh Al-Tani in the Arabian Gulf. Moreover, it had been sold for \$4.5 million rather than the \$1.6 million that Symes said it had been sold for.

He later explained this discrepancy by arguing that he, in fact, owned only a third of the statue, that the other two-thirds was owned by two colleagues, antiquities dealers in Switzerland, Mr Jean-Louis Domercq and Mrs Frieda Nussberger-Chakos.

Still sceptical of this version of events, Mr Justice Peter Smith ordered a trial to ascertain the true ownership of the Granodiorite statue. Although Mr Domercq and Mrs Nussberger-Chakos were joint defendants in this action, neither appeared in court to defend themselves, though a Swiss lawyer representing both did appear. The court found against the defendants, and concluded that Mr Symes owned the statue in its entirety. He was adjudged to have misled the court, to have broken the conditions of the 'interlocutory regime', which forbade him to trade without the knowledge or the permission of the court and, in July of 2004, given a one-year suspended sentence.

The original action continued. The Greek relatives of Mr Michaelides were still not convinced that Mr Symes had disclosed all the assets of the business that the two partners had owned. In the course of further researches, they found that, apparently, Mr Symes had lied to the court about two further sets of objects. One was a set of art deco furniture, by the designer Eileen Gray, and the other was a statue of Akhenaten. The Eileen Gray furniture, Mr Symes said, had been sold to a Parisian dealer for \$4 million. Lane and Partners eventually traced this sale, and found that Mr Symes had actually sold it for \$14 million, with most of the money lodged in a bank in Gibraltar. The statue of Akhenaten, which Mr Symes said he had sold for \$3.6 million, had in fact been sold for nearer \$8 million, again to Sheikh Al-Tani, with the money lodged in a bank in Liechtenstein.

While Lane and Partners had been pursuing these investigations, Mr Symes had tried to forestall court proceedings by claiming, in the autumn of 2004, that he was mentally incapable of instructing solicitors, and therefore of standing trial. This action failed and Mr Symes was ordered to appear in court again in January 2005.

Until Christmas he had been living at an inn, in a small village near Basingstoke, but just before Christmas he moved into the Savoy Hotel in London. Though bankrupt, Mr Symes has a number of friends who still support him financially. When he appeared in court, however, he claimed he could



not afford to pay for lawyers, and asked for a delay to apply for legal aid. Though the judge was unwilling to do this, a short delay *was* allowed, during which time Mr Symes was twice refused legal aid.

In these circumstances, Mr Symes, unrepresented, produced a witness statement to the court, in which he claimed that the Greek case against him was fabricated. He did not, however, in the opinion of the judge, produce any evidence to support his claims. Elsewhere in the witness statement, moreover, he admitted that he had lied in court, in relation to both the Eileen Gray furniture and the statue of Akhenaten.

The judge took a very severe view of these (now admitted) lies to the court, which involved several million pounds. In his judgement, Mr Justice Peter Smith concluded that Mr Symes had committed ‘a serious and cynical contempt of court’, designed ‘to conceal that he had deliberately taken the proceeds [and] used them for his own purposes’. He said Mr Symes ‘has told numerous lies on oath’

and repeated ‘a false story’.

The judge further said that he was not impressed by Mr Symes’s attempts to suggest that he was confused and muddled by what was going on in court. ‘The admitted contempts show calculated, cynical and well understood acts of deception.’ And he concluded:

Mr Symes must appreciate that he will not be able, if it is his belief, simply to do his time, get his passport back and leave the jurisdiction. There remains a large number of outstanding questions to be answered. Until those questions are answered and dealt with in a meaningful way the possibility of him obtaining his passport back to enable him to leave the jurisdiction is remote ... I perceive [that it is] a long and necessary road that Mr Symes still has to go down before this litigation will come to an end.

The fall of Robin Symes, rapid and complete though it has been, may not be over even yet.

PETER WATSON

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## Endangered archaeology of the Kharga Oasis, Egypt

SALIMA IKRAM

The North Kharga Oasis Survey (American University in Cairo/University of Cambridge), directed by Salima Ikram and Corinna Rossi, has been locating, mapping and planning archaeological sites in the northern part of Kharga Oasis in Egypt’s Western Desert since 2001. This entire area, measuring some 400 or so square kilometres, is largely undocumented and contains several standing remains of the Roman period (fourth to fifth centuries AD), including forts, temples, settlement sites and tombs, in addition to prehistoric and Pharaonic remains.

One of the reasons for this survey is that these sites have been subject to vandalism and attack by antiquities thieves, robbers in search of gold, and tourists

removing objects as souvenirs. Thus far, most of the area has been preliminarily documented and a final season of work is planned in 2005. One of the most spectacular sites that the project has documented is the site of Umm el Dabadib, a site 70 km inside the deep desert, consisting of a fort, settlements, cemeteries, industrial areas and underground aqueducts (*qanats*).

During a site visit in November 2004 to the settlement of Umm el Dabadib, one of the project



*The temple at Umm el Dabadib as it was in February 2004 ...*



directors discovered that a front-loader had been at work, and virtually destroyed the c. second/third century AD multi-phased mud-brick temple that had stood about 13 m high. The temple had been plastered and painted with various motifs, including vines, Egyptian gods and hieroglyphic inscriptions. Only one wall now remains standing, with the remainder being scraped away to below foundation level in the looter's quest for buried treasure. A further investigation carried out by both directors revealed that the damage had not been limited to the temple. A two-storey mud-brick watchtower had been reduced to rubble, while part of the fortified settlement that bordered the fort, chunks of the eastern settlement, and several tombs in Cemetery F had all been attacked by a loader. The two settlements that were vandalized consisted of large mud-brick rooms, roofed by vaults, with, in the case of the eastern settlement, industrial areas on the roof. The tombs that were destroyed had been partially dug into the desert *tafla* with vaulted mud-brick structures constructed over these foundations. Several pottery vessels, painted and plain, as well as fragments of mummies and skeletons were found littering the area.

The site had earlier been vandalized in 1995, when parts of the church were bulldozed by thieves in search of buried treasure that they thought lay under the altar. Presumably a similar



... and the destruction discovered in November 2004.

quest fuelled the 2004 attack. The site is deep in the desert and difficult to patrol with any regularity without access to 4x4 vehicles, and thus is more easily prey to vandalism.

Zahi Hawass, Director General of Antiquities, is hoping to improve the situation in the oasis by providing additional guards with motorcycles in order to protect this and other sites that are similarly in danger. It is hoped that this will also discourage antiquities' thieves, as well as unscrupulous tourists who illegally collect artefacts from the more remote desert sites in Egypt.

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In September 2004 the IARC was awarded the **European Association of Archaeologists Archaeological Heritage Prize** at their tenth annual meeting in Lyon, France. The award recognizes the IARC's 'internationally unique' contribution to European and world heritage protection. Instituted by the European Association of Archaeologists in 1999, this prize is awarded annually for an 'outstanding contribution to the protection and presentation of the European archaeological heritage'. The IARC has helped achieve a major change of British public policy in this area, highlighted by ratification after 30 years of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.









# Culture Without Context



The Newsletter of the Illicit Antiquities Research Centre

Issue 16, Spring 2005

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MARINA PAPA SOKAL



The Illicit Antiquities Research Centre is a project of the McDonald Institute for Archaeological Research.



## Illicit Antiquities Research Centre

The Illicit Antiquities Research Centre (IARC) was established in May 1996, under the auspices of the McDonald Institute for Archaeological Research in Cambridge, England, and it commenced operations in October 1997. Its purpose is to monitor and report upon the damage caused to cultural heritage by the international trade in illicit antiquities (i.e. antiquities which have been stolen or clandestinely excavated and illegally exported). The enormous increase in the volume of this trade over the past twenty years has caused the large-scale plundering of archaeological sites and museums around the world. The IARC will raise public awareness of the problems caused by this trade and seek appropriate national and international legislation, codes of conduct and other conventions to place restraint upon it.

*Culture Without Context* is published twice-yearly. The next issue will appear in autumn 2005. Subscription details are available from:

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**Front cover.** *Looting at Gilgit* (see p. 4).

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ISSN 1464-1925

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<http://www.mcdonald.cam.ac.uk/IARC/home.htm>

Correspondence relating to all aspects of the legal and illegal trade in antiquities is welcome; we will make an effort to print reasonable, non-libellous letters. No unsigned letters will be printed, but names will be withheld upon request.

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Tel: +44 (0)1223 472400



## Editorial

An article in the March/April 2005 issue of *Archaeology* (M. Brunwasser, 'Thracian gold fever', 19–25) drew attention to a debilitating, though indirect, consequence of the trade in unprovenanced antiquities when it reported upon the rudimentary excavation techniques of the Bulgarian archaeologist Georgi Kitov. Kitov has achieved celebrity status in Bulgaria through his apparently extravagant historical claims about a series of spectacular finds he made during excavations in the so-called Valley of the Thracian Kings. Some of the finds are on display in Kazanluk's Iskra History Museum, others are at the National Archaeological Museum in Sofia, and all are drawing large crowds of visitors and becoming a focus of Bulgarian national pride. Unfortunately, not everyone is impressed. Bulgarian colleagues say Kitov works multiple sites at once with scant regard for documentation of stratigraphy and context, or for site conservation and preservation. He is accused of being little more than a treasure hunter. Kitov defends his methods, though, claiming that he has to work fast in order to remove objects from the ground before the looters do. The Bulgarian government has been quick to see the potential of Kitov's finds for attracting international tourists, and has provided him with financial support.

If media reports are anything to go by, the archaeological heritage of Bulgaria is more threatened by illegal digging seemingly than that of any other country in Europe. Professional archaeology cannot mount an effective response as it is state-controlled and under-resourced. But Kitov's quick and dirty excavations are not the answer. They are in contravention of Article 3 of the 1992 European Convention on the Protection of the Archaeological Heritage (the 'Valletta Convention'), implemented in Bulgaria in 1995, which requires that archaeological excavations proceed in a scientific manner and are undertaken by competent personnel. The Bulgarian government should be encouraged to meet obligations incurred by its ratification of the Valletta Convention, either by decentralizing and outsourcing archaeological provision, or by increasing central support.



In the spring 2004 Editorial I suggested that the Crown Prosecution Service had failed to proceed against a man arrested for illegal digging on the grounds that it would not be in the public interest because of the low monetary value of the artefacts found in his possession. I have now learned that in fact the case was dropped because forensic evidence indicated the person's innocence, and I would like to apologize to the person concerned for any hurt that might have been caused.

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### TV review: NRK (Norway) *Skriftsamleren* [The Manuscript Collector]

STAFFAN LUNDÉN

On 7 September and 14 September 2004, the Norwegian Broadcasting Corporation (NRK) aired the documentary *Skriftsamleren* [The Manuscript Collector], a well-researched and hard-hitting investigation into the collecting activities of the Norwegian multi-millionaire Martin Schøyen.<sup>1</sup> The documentary, produced by Ola Flyum and David Hebditch, with Pakistan researcher Sohail Qureshi, offered to a wide audience a clear-cut example of how the looting and destruction of archaeological heritage is

ultimately financed by wealthy collectors and legitimized by naive scholars.

#### The Buddhist manuscripts

In 2001 — the year that the Taliban blew up the Bamiyan Buddhas — Martin Schøyen made the headlines. In newspaper articles and radio interviews he revealed that he had in his possession a large collection of ancient (first- to seventh-century) Buddhist manuscripts and manuscript fragments that had been saved from the Taliban regime. In a radio interview, quoted in the NRK programme, Schøyen related the following story about the origin of the manuscripts: Buddhists in Afghanistan, seeking refuge from the regime and hiding in caves had discovered the manuscripts. The Buddhists sent out requests for help to save these ancient manuscripts and Schøyen mounted





**Figure 2.** Looting at Gilgit. (Photo courtesy of NRK.)

‘a rescue operation to save a part of the world’s cultural heritage, which otherwise would have been destroyed’. According to Schøyen, the manuscripts were smuggled out of Afghanistan by refugees fleeing over the mountains at altitudes of more than 4000 metres, closely followed by the Taliban. Schøyen also related that he had in his possession all the fragments of a book that — he claimed — had been below the hand of a Buddha statue the regime had blown up. Having rescued these manuscripts, Schøyen wanted them to remain in safety in Norway. He hoped the collection would be purchased by the Norwegian government for the National Library and placed in a new, specially-constructed building. When arguing for a Norwegian purchase he emphasized the prestige that would accrue to the country: ‘For Norway the collection would mean as much for the country’s reputation abroad as Ibsen, Nansen and Vigeland. It would be as important for the country as these ambassadors’. Schøyen’s asking price for the collection is not known, but in 2003 he turned down an offer of over \$110 million (NOK 800 million). In short, according to Schøyen’s own testimony, he had saved an important part of the global cultural heritage from certain destruction, and his implication was that for this altruistic ‘rescue operation’ he deserved public gratitude (and a monetary reward).<sup>2</sup>

Yet, the NRK investigators asked: what were

the exact circumstances of Schøyen’s rescue operation? Were the manuscripts really saved from the Taliban? Where and when were they actually found?

To find out the answers to these questions, the NRK team went to Bamiyan, the alleged findspot of the manuscripts. At Bamiyan, they met with the archaeologist Kazuya Yamauchi, who was working at the site. Yamauchi explained that he had never found any manuscripts in the caves at Bamiyan, and that the caves had been thoroughly looted long before the Taliban came to power in 1998. But Yamauchi also told them that when he had visited the town of Zargaraan, east of Bamiyan, he had heard that in 1993 a landslide had uncovered a cave and a strong wind had blown manuscript fragments across the countryside. Yamauchi believed that Zargaraan could be the true find spot of the manuscripts in the Schøyen collection.

Schøyen refused to be interviewed for the documentary, but Jens Braarvig, professor in Religious Studies at Oslo University, and the person in charge of publishing the Schøyen manuscripts, admitted on camera that there is no reason to believe that the manuscripts are not from Zargaraan. If this is the case, the investigators concluded, then it means that the story about the manuscripts being saved from the Taliban is false. In 1993 there were no Taliban in Afghanistan.

The investigators uncovered more disturbing



facts about the collection's origins. During the civil war in Afghanistan the National Museum in Kabul was looted and lost over 70 per cent of its collections, including its collection of Buddhist manuscripts. The NRK programme revealed that two, probably six, manuscript fragments in the Schøyen collection came from the National Museum. This fact had been known to Schøyen, Braarvig and other scholars publishing the manuscripts since 1998, but they had not made it publicly known, nor had they informed the Kabul museum about the whereabouts of the fragments. It was not until the NRK investigators started to make inquiries that Schøyen wrote a letter to the Afghani authorities and offered to return the fragments to the Kabul museum.

Yet, there was more. The investigators discovered that many manuscript fragments in the Schøyen collection were not actually from Afghanistan. This part of the investigation threw some light on how Schøyen had 'rescued' some of these manuscripts. It appears that, after initial purchases from Sam Fogg and other London dealers, Schøyen attempted to cut out these intermediaries and to buy closer to the 'source'. The programme alleges that Schøyen started to deal directly with the smugglers.<sup>3</sup> That Schøyen must have had knowledge of the recent illicit origin of the material he was purchasing is strongly suggested by an incriminating fax to which the investigators gained access, in which Schøyen writes to a dealer about one of his purchases:

All materials have [the] same origin, a cave high up in the border area between Afghanistan, China and Pakistan. My primary source said he was in the cave with the diggers...<sup>4</sup>

The place where the objects were said to have been dug up is not named, but the investigators concluded that it was probably the town of Gilgit in northern Pakistan, which is known for its archaeological remains. The fact that the Schøyen collection contains material from Gilgit was confirmed by one of Schøyen's suppliers, Bill Veres. Veres did not want to be interviewed, but in conversation with one of the NRK investigators (recorded with a hidden microphone) he said that in 1998 he had sold Schøyen a manuscript from Gilgit. The price paid was equivalent to NOK 160,000 (£13,000). When interviewed, Braarvig

reluctantly admitted that there were 'a few leaves [from Pakistan] which had crept into the collection'. After the broadcast of the first part of the programme, Schøyen confirmed that his collection contained between 200 and 300 manuscript fragments from Pakistan.

To find out more about the source of the manuscripts, the NRK team travelled to Gilgit. After a long journey, passing through Peshawar, the main trading centre for drugs, arms and antiquities from Afghanistan, they eventually reached Gilgit. Here they met with Muzaffar Ali, a representative of the local administration. He related that for ages the ruins of monasteries and other archaeological remains had remained untouched because they were considered to be haunted by evil spirits. The situation changed one night in April 1994. That night a group of looters arrived. The looters were Pathans, the dominant ethnic group of Peshawar. They started digging in the ruins and found books and other antiquities. After the looters had left, the poor people from the neighbourhood also tried their luck in the ruins. Among them was the shepherd Mohammed Iqbal, who told the NRK team that he had dug up a book with several hundred pages. He sold the book for 270,000 rupees (£2500), which to him was equal to 10 years income. He was later told that the book had been sold in Peshawar for a price equivalent to NOK 0.5 million (£40,000). Its later whereabouts are unknown, but according to Bill Veres it may well have been the book he sold to a Japanese collector for a price equivalent to NOK 2.4 million (£200,000). Schøyen had been offered the book first but did not bid more than NOK 1 million (£80,000).

At Gilgit, the NRK team could document ample evidence for the destructive consequences of looting. The site was littered with pottery fragments. The Pathan looters had found the manuscripts stored in jars, and in their hurry to retrieve them they had broken the jars into pieces. This violent treatment had also damaged the manuscripts. The investigators were told by Iqbal that when he arrived at the site he had found around 500 manuscript fragments spread over the area. Believing that these were 'bewitched Hindu texts' — and apparently unaware that small manuscript fragments could also be sold — Iqbal and his friends used them as fuel when making tea.



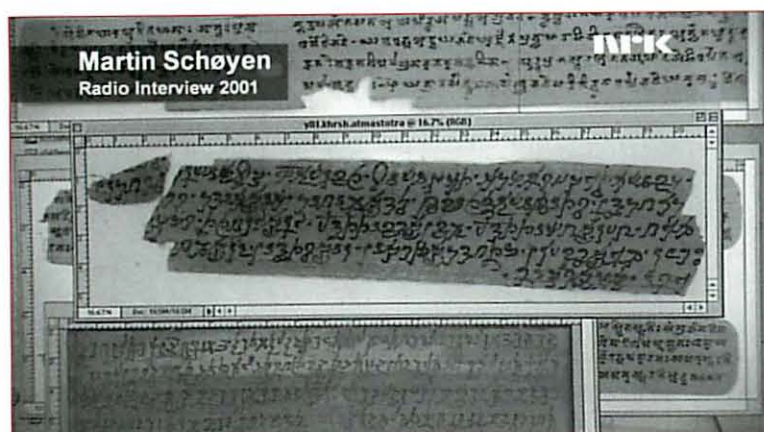


Figure 2. The 'Bamiyan' manuscripts. (Photo courtesy of NRK.)

At the site the NRK team was shown a shallow Buddha relief on a mountain slope around which the first group of Pathan looters had drilled holes for explosives. They had planned to detach the Buddha with dynamite, but aborted the attempt.

The investigators could only conclude that the true circumstances of the origins of the Buddhist manuscripts were less flattering for Schøyen than the saga he had told. The manuscripts were not saved from the Taliban in a rescue operation. They had come into his possession through a totally unrelated route. They had been bought on the art market, sometimes directly from smugglers. Some of the material was not even from Afghanistan. These facts had been known to Schøyen and a number of scholars for years, but they had kept the information to themselves.<sup>5</sup>

### The magic bowls

Martin Schøyen possesses one of the world's largest collections of Mesopotamian so-called 'magic' (or 'incantation') bowls — ceramic bowls with magical texts in Aramaic, dating c. AD 400–700. The number of magic bowls in his collection is reported to be 600 to 700. The investigators decided to look into the origin, present location and legal status of this large collection. In their quest they were joined by the archaeologist Erica Hunter of Cambridge University, who has researched similar bowls in Baghdad's National Museum. She first heard about the Schøyen bowls in the 1990s and since then has been trying to learn more about them.

Hunter related that she had learned that the bowls were at University College London (UCL) and that professors Mark Geller, at the Institute of Jewish Studies UCL, and Shaul Shaked, at the Hebrew University of Jerusalem, were respon-

sible for the research and publication of the bowls. Geller and Shaked had, however, refused her permission to see the bowls. They also declined to be interviewed for the programme.

The UN sanctions against Iraq, first imposed in 1990, prohibit trade in antiquities which have left Iraq since that year. The ban on dealing in Iraqi antiquities was repeated in a resolution of the UN Security Council in 2003. Since then, in the UK, anyone dealing in, or possessing, Iraqi antiquities exported

since 1990 may face a prison sentence of up to seven years. Individuals or institutions possessing such objects without informing an appropriate law enforcement agency also commit a criminal offence.<sup>6</sup> In Norway, the UN resolution was implemented through a regulation of May 2003 and since then anyone found guilty of dealing in, or possessing, Iraqi antiquities is liable to a prison sentence of three years.

Already in 1999, Hunter and other scholars had asked UCL about the legal status of the bowls, but UCL had declined to investigate them. When the NRK investigators started to make enquiries, UCL appeared unhelpful. In an interview, a UCL spokesman confirmed that UCL had held some bowls for 'academic purposes' but that the bowls had been returned to their owner.

However, this turned out not to be true, and the investigators discovered that the bowls were still in storage at UCL. (They were promised a look at the bowls, but the offer was later withdrawn, because, it was claimed, the keys to the store could not be found). In a second interview, the UCL spokesman revealed that he had discovered the bowls were still at UCL. He added that UCL's legal advisors had said it would be inappropriate to hand them back until the putative owner could provide written evidence of title.

So what was the provenance of the incantation bowls? Were they exported from Iraq before or after 1990? Not surprisingly, there were conflicting answers to these questions. Braarvig claimed he had seen documentation confirming that the bowls had been in private collections since the 1930s. A letter from Schøyen's lawyer to NRK stated that the ownership history of the objects went back to before 1965.

Yet, according to the sources consulted by



the investigators, the bowls have a more recent origin. They allege that the bowls were illegally excavated in Iraq in 1992 or 1993,<sup>7</sup> and that Schøyen bought them in London for about NOK 25 million (£2 million). The vendors were Pars Antiques and the Jordanian dealer Ghassan Rihani (now deceased). Rihani had close ties with the Jordanian royal family and had provided an export license to cover his shipments from Amman to London, though the investigators called the authenticity of this licence into question.

It may be noted also that the scholars publishing the bowls in the Schøyen collection acknowledge that many bowls are illegally on the market. In a recent article, Mark Geller, referring to the situation in Iraq, states: 'Within the past decade, hundreds of Aramaic incantation bowls have appeared on the antiquities market, collected from archaeological sites.' He also writes that: 'Antiquities which were recently exported from their country of origin, such as Iraq, cannot be bought, sold, handled, or studied.'<sup>8</sup> In the NRK programme, the investigators filmed a lecture at UCL by Mark Geller and Dan Levene on the inscriptions on the magic bowls in the collection of Martin Schøyen.<sup>9</sup> Erica Hunter asked from the audience about the provenance of the bowls. Levene replied that most of them were unprovenanced.

### Scholarly collusion

To the viewers one of the most surprising revelations of the NRK programme probably was the extent of scholarly involvement there is in the trade. The point was made that when scholars and academic institutions enter into different forms of collaboration with collectors, and start to research and publish unprovenanced objects — in effect, they legitimize them. Therefore the programme questioned why respectable scholars, such as Jens Braarvig, Mark Geller, Dan Levene, Shaul Shaked and others, would publish objects in the Schøyen collection despite their questionable origin.

Although not explicitly stated in the programme, it also provided a didactic example of how scholars who publish such objects become dependent upon the goodwill of the collector and how this dependency influences scholarly judgement. Braarvig, responsible for publishing the Schøyen collection, stated in the programme that if there were illicit objects in the collection, he

would disclose the fact. Yet, as mentioned above, he had neglected to make known information that would have contradicted the official story of a rescue operation from the Taliban. From the interview it was also clear that Braarvig did not question Schøyen's legal or moral rights to own (or sell) the objects in his collection. This shows one additional motivation for collectors to give scholars the privilege to publish their collections: by doing so they gain steady allies — with all the credentials that come with academic titles — who are willing to stand up and defend their right to collect and to possess.<sup>10</sup>

One of the most interesting parts of the programme dealt with how Buddhist manuscripts came into vogue among the collectors — and it was implied that in this respect too scholars had become pawns in the games of the market-makers. The investigators managed to interview a London-based smuggler, who said that when the manuscripts started to come on to the market in 1993 and 1994, there was hardly any demand for them. The situation changed when the British Library acquired a number of manuscripts. When announcing the acquisition, the manuscripts were hailed as a sensational discovery and comparable in significance to the Dead Sea scrolls.<sup>11</sup> The programme interviewed Graham Shaw, who is responsible for the Asian collections at the British Library, and who said that the manuscripts were first brought to the Library 'for advice on conservation'. This sounds like an innocent motive for bringing texts to a library, but in the programme it was suggested that the real reason for making this material known to the British Library was more sinister. It may have been a marketing strategy, based on the calculation that an acquisition by such a prestigious institution would stimulate the market. Regardless of whether the British Library was deliberately manipulated or not, the news of its acquisition aroused the interest of collectors.<sup>12</sup> Among the collectors who were now eager to acquire this kind of material was Martin Schøyen, who in 1996 made his first purchase of Buddhist manuscript fragments from Sam Fogg. By 1998 he had bought 10,000 manuscript fragments.

When the NRK interviewer suggested to Shaw on screen that the British Library, by its act of acquisition, had stimulated the market and started off a looting campaign, Shaw did not seem very happy. He said he refused to answer such a



‘totally unfair question’, stood up, took off the microphone, and walked off.

The programme did not give further details on how the manuscripts were acquired by the British Library, but an article in *The Art Newspaper* reported that

the scrolls had been sold by Robert Senior, a coin dealer who is currently based in Somerset. The purchase price has never been disclosed, but it has been suggested that the texts were purchased and donated to the library by Neil Kreitman, a specialist in Gandharan art and son of the late Hyman Kreitman, chairman of Tesco supermarkets.

According to this article, the manuscripts are believed to have been looted near Hadda in Afghanistan in 1992.<sup>13</sup> Another article reports that the purchase price was ‘a five-figure sum’.<sup>14</sup> The British Library defended its acquisition by arguing that the manuscripts were in need of urgent conservation work and that the Library wanted to make them ‘available to the international scholarly community’.

Clearly there is a moral dilemma when material of great scholarly value but with uncertain provenance is offered on the market.<sup>15</sup> Any scholar may instinctively feel an urge to rescue the material by acquiring it, especially if it comes from a war-torn country where there are no functioning institutions able to take care of it. Yet, in the case of the manuscripts acquired by the British Library, the alleged price throws some doubt on the notion that the British Library saved them. Does not the five-figure price suggest that there were other prospective saviours available and that the Library was in competition with them? Why did the British Library have to compete with them? Which collector, willing to pay a five-figure sum, would have refused to make the material available to scholars? Collectors do not hide away their collections. Collectors want their collections to be studied as it enhances their own social status, as well the collection’s economic value.

Looting will only come to a halt when collectors refuse to purchase unprovenanced material. Of course, even without a market, chance finds would still be made, and it could be argued that if the objects appearing this way were devoid of monetary value they would be destroyed. A case in point would be the above-mentioned Zargaraan manuscripts which started to blow over the

countryside after a landslide. Still, any acquisitions of material of great scholarly importance from another country should only be made by, or on behalf of, an internationally-recognized body, with the purpose of keeping the material in trust until conditions permit its return to the country of origin. The only acceptable forms of acquisition are by donation or, if purchase is absolutely necessary, by payment of modest sums that will not spur further looting.<sup>16</sup> Public information about acquisitions has to be worded so as not to stimulate commercial interest in the type of material in question. Acquisitions should not be made by public or private collectors who confuse a desire to enrich their own collections with protecting the world’s cultural heritage, and who directly or indirectly inject large sums of money into the trade.

### **The effects of the broadcast**

This truly shocking and excellently produced programme made an impact in Norway and abroad. Two days after the broadcast of the first part of the programme, Oslo University decided to put a halt to research on the manuscripts. The same day, the Pakistani ambassador to Norway demanded the return of the Gilgit manuscripts to Pakistan. Schøyen, apparently taken aback by the media attention, quickly replied that he agreed to repatriate them, and in March 2005 they were handed over to the Pakistani embassy. As related in the programme, Schøyen has also offered to return the manuscript fragments stolen from the Kabul museum. However, what Schøyen intends to do with the remaining Afghani manuscripts in his possession is uncertain. Afghanistan’s Minister of Culture, Sayyed Raheen, had already in 2003 made a claim for restitution. Schøyen refused to give them back at the time, and there is no indication that he has changed his mind since. In view of Schøyen’s indifference to the Afghan request, it might be worth quoting the words of Sayyed Raheen, who was interviewed in the programme. Raheen recalled the calamities which had befallen Afghanistan, with 1.5 million dead during 23 years of conflict, and said: ‘I hope everyone will think about the moral duty they have regarding the people of Afghanistan, and I am sure no man with clear mind and heart will take advantage of our disastrous situation.’

As a result of the programme, the Afghan gov-



ernment have now also requested the return of the scrolls in the British Library. A spokesman for the British Library has said that 'the library would be willing to consider a claim', but the outcome of this consideration is not yet known. UCL has launched an enquiry into the provenance of the magic bowls, though it has not yet reached any conclusions. In March 2005 Braarvig declared he would resign from his position as coordinator of research and publication of the material in the Schøyen collection. In April 2005 the programme was awarded a diploma for excellence in investigative journalism by the Norwegian Foundation for Investigative Journalism, Stiftelsen for en Kritisk och Undersøkende Presses (SKUP).

### The human right to culture

*Skriftsamleren* is an eye-opening exposé of the illicit antiquities trade. In my opinion, one of the most powerful and thought-provoking moments was when the programme quoted a claim made by Schøyen in a radio interview that because there are regimes which are not able to take care of their own cultural heritage, others have to step in to save it. Cut to Mozaffar Ali, the representative of the local administration in Gilgit, standing in the Gilgit ruins saying:

Everyone knows that this is a historically important area. If the authorities had protected it, we could have had a museum here. But now there is nothing to stop the Pathans, the Europeans and others from enriching themselves. They have destroyed our cultural heritage.

The words of Ali so clearly capture what Schøyen and other collectors have failed to understand: that people of modest means in developing countries may also want, and have a right to, a cultural heritage. The wealthy collectors of the world support a trade which deprives human beings of this fundamental right. Ali's words also show that the trade cannot be justified on the grounds that certain regimes or countries are not interested in preserving their cultural heritage. Any such statement is a gross over-simplification of economic and political realities. Cultural heritage is the object of power struggles between different interest groups — those who seek to preserve it and those who seek to exploit it for monetary gain. In developing countries, the latter group often has the strongest financial resources

and the best political connections.

Those collectors who see themselves as benefactors of culture and have money to spend must choose which side to support in this conflict. Why did Schøyen, and the other bidders for Buddhist manuscripts, not put their money instead into a cultural heritage project in Gilgit? Such a project could have funded archaeological excavations, the creation of a local museum and perhaps also a travelling exhibition to Norway, the UK and Japan. Had Schøyen spent his money in this way he would have deserved the international gratitude he so much desires to gain.

The collecting of unprovenanced antiquities will continue as long as it is seen to be socially acceptable. For a change of attitude to happen, it is essential that the victims of the trade are allowed access to the public forum equal to that enjoyed by those who try to justify it. Clearly, the inhabitants of developing countries like Pakistan have far fewer opportunities to make themselves heard in the debate over the trade that is taking place in the market countries than do dealers, collectors and the retinue of scholars who support them. Perhaps the greatest merit of this programme was that it, for once, presented one of the least heard voices in the debate — the voice of one of the many who suffer the consequences of the trade.

### Notes

1. The programme (in Norwegian but with many of the interviews in English) was shown in the NRK current affairs series 'Brennpunkt' and can be viewed through the NRK website (<http://www.nrk.no>). All translations from Norwegian in this article are by the author. After the broadcast Schøyen complained unsuccessfully to the Norwegian Press Complaints Commission, Pressens faglige utvalg (PFU). The submissions provided by Schøyen's lawyers and by NRK are publicly available from PFU (no. 184/04), and provide extensive background information for the contents of the programme. See also O. Flyum, 'SKUP-rapport for NRK Brennpunkts prosjekter. Skriftsamleren. De magiska krukene'. This document can be downloaded from the website 'Buddhist manuscripts from Afghanistan in the Schøyen collection' (<http://folk.uio.no/atleom/manuscripts.htm>). This website, maintained by Atle Omland of Oslo University, gives a wealth of material on the controversies surrounding the Schøyen collection. Omland's forthcoming article 'Claiming Gandhara: legitimising ownership of Buddhist manuscripts in the Schøyen collection, Norway', in: J. van Krieken (ed.), *Art and Archaeology in Afghanistan, its Fall and Survival*, together with Omland & Prescott (2002) and Prescott & Omland (2003) also discuss the issue. I am



- indebted to Atle Omland for showing me his forthcoming article before publication.
2. The introduction page of the Schøyen collection's website informs us that the proceeds from the sale of the collection are to go to a fund named 'The Schøyen Human Rights Foundation' (<http://www.nb.no/baser/Schøyen/intro.html>). The fund will give emergency aid and fight poverty in emerging nations and promote freedom of speech and human rights worldwide. In the terminology of the sociologist Pierre Bourdieu, it could be said that Schøyen, by putting money into this fund, wants to transform his economic capital into social capital. It is a common behaviour among collectors to try to exchange their collections for social recognition, often by means of selling, donating or bequeathing the collection to a reputable museum or institution, on the condition that the collection retains the name of the collector for eternity. Schøyen attempts a slightly different strategy by selling the collection and using the proceeds for a fund named after himself.
  3. According to Flyum ('SKUP-rapport', 7), one of these was an infamous smuggler who also dealt in arms and drugs.
  4. In the fax (presented on the NRK website) Schøyen writes that he wants a refund of \$37,500 from the dealer for three 'Indus script' fragments that had turned out to be fakes. It seems that these fragments were the ones said to have come from the cave. Not surprisingly, market demand for ancient texts has led not only to looting but also to the production of forgeries. Looting is often described with the simile of tearing the pages of the book of history. With the production of fake texts, new pages are added and history is, quite literally, rewritten.
  5. In the wake of the programme, supporters of Schøyen and Braarvig claimed that the allegations of secrecy were false, because the scholars working on the material had revealed in academic lectures that some of the material originated from the Kabul museum and Gilgit. Yet it remains a fact that the scholars did not make this crucial information available to the general public in Norway, nor to the Afghan authorities, despite the facts that questions about the origin of the collection were repeatedly raised in Norway, and that the Afghan Minister of Culture had requested the return of the material.
  6. On the legislation, see Brodie (2003).
  7. According to the NRK submission to the PFU complaint and Flyum (SKUP-rapport, 18) a source inside Iraq had to be kept anonymous for security reasons. He had narrowly escaped two assassination attempts, in which one person was killed and another severely injured. These murder attempts were probably linked to his knowledge of the illicit trade. If nothing else, the toll of human lives taken by the trade (on which see Brodie *et al.* (2000, 16); further recent incidents include four police officers killed in Afghanistan in 2003 and eight in Iraq in 2004) should reveal the absurdity of the idea that society owes gratitude to dealers and collectors.
  8. 'Spies, thieves and the cultural heritage', at <http://www.ucl.ac.uk/hebrew-jewish/ijis/news.htm>.
  9. The lecture also dealt with bowls in the collection of Schlomo Moussaieff. According to the PFU documents the c. 50 bowls in Moussaieff's collection were also brought to the UK on the Rihani export licence.
  10. In earlier discussions in the Norwegian media Braarvig had also supported Schøyen's ownership. More recently, Braarvig has stated that Afghanistan, after all, is the right place for the manuscripts to be. He has suggested that the Norwegian state should purchase them from Schøyen and donate them to Afghanistan. Needless to say, if such a purchase were to take place it would send a signal down the chain of dealers and looters that there is still a market for Afghani loot and it would only serve to stimulate further pillaging.
- As to scholarly ethics it may be mentioned that Braarvig and other scholars had already come into contact with Schøyen in 1997, when the collection of Buddhist manuscripts was still being augmented (the purchases continued until 2001). It would be interesting to know if any of these scholars ever had a discussion with Schøyen on the wisdom of purchasing these items. In 2003, Schøyen stated that he had decided to stop collecting archaeological objects. It seems that this decision came as a result of criticisms expressed in the Norwegian media, not because of advice from any of the scholars working on his collection. Anyway, Schøyen is to be congratulated for this decision.
11. The manuscripts were acquired in 1994. They were then subject to a lengthy conservation before the British Library publicized the acquisition in 1996.
  12. That the British Library's acquisition boosted the market has also been observed by Matsuda Kazunobu (who belongs to the Schøyen collection research group). He writes: 'This news [i.e. the announcement of the acquisition] caused a sensation in the academic world. [...] Not only researchers, but the world's manuscript collectors paid attention to the news. Among them was a Norwegian, who promptly responded through dealers in London and built up an amazing collection in just one year's time' (2000, 99). Kazunobu's article is also interesting in that it gives a glimpse of just how much media attention the British Library's announcement created, including coverage in a Japanese TV documentary as well as in the magazine *National Geographic*. It is unfortunate that the British Library did not attempt, or failed in its attempts, to take this opportunity to inform the world's collectors on the ethics of collecting. For further remarks on how different scholarly outreach activities may stimulate the market, see Lundén (2004, especially 234, 240)
  13. Bailey (2004). Bailey refers to the programme as the source but as this information is not contained in programme broadcasted on NRK. I assume the information comes from a version of the programme which has been prepared for an international audience.
  14. Alberge (2004).
  15. On this so-called 'Rosetta stone dilemma', cf. Brodie *et al.* (2000) 46f.
  16. And when accepting donations care should be taken that they do not result in an economic or social benefit for the trade.



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**Editor's note.** The British Library has supplied *Culture Without Context* with a statement and documents relating to its acquisition of the manuscript fragments mentioned in this review. The British Library's statement will be printed in the next issue of *Culture Without Context* and its actions concerning the acquisition will be discussed in more detail.

## In the News

NEIL BRODIE

### African round-up

- In January, customs officers at Roissy Airport in Paris intercepted a cargo of about **850 artefacts from Niger** that was en route for Belgium. It included some dinosaur teeth, 668 Neolithic stone objects, and 29 Bura terracottas. **Bura terracotta figures** are on the ICOM Red List (see N. Brodie, 'Red alert in Nigeria', *CWC*, Issue 6, 2000, 13–15). 5620 artefacts from Niger had previously been seized at Roissy in March 2004. Writing in Niamey for the Inter Press Service ('Culture-Niger: archaeological treasures may soon become a thing of the past', 9 February 2005, available at <http://ipsnews.net/search.shtml>), Ousseini Issa points out that Niger's large size (1,267,000 km<sup>2</sup>) and high levels of poverty prevent any effective protection of its archaeological heritage. An archaeologist at Niger's Institute of Social Science Research was quoted as saying that, of the hundreds of sites in the Bura region, only one is properly protected. The problem of archaeological looting is growing worse as people inside

Niger have become better acquainted with market values, and prices are rising. Pieces that would have commanded anything up to \$1.50 in the 1990s might now be worth from \$70 up to \$400 or more.

- In **Kenya**, attention is focusing on the **trade and theft of historical artefacts**, whether they be tribal regalia, World War II medals, or Mau Mau uniforms and weapons (John Kariuki, 'Crisis at the museum', *East African*, 4 April 2005).
- Recently declassified British government documents confirm that a **sixteenth-century Benin bronze head** presented to the Queen by the then Nigerian president General Yakubu Gowon in 1973 had been taken from the Lagos National Museum (M. Bailey, 'Government knew Nigerian gift to Queen was expropriated treasure', *Art Newspaper*, February 2005, 9).

### Egypt

- Following on from the investigations that led to the conviction of Tarek al-Sweisi and



his accomplices for **antiquities smuggling** (see 'In the news', *CWC*, Issue 13, 2003, 13; 'In the news', *CWC*, Issue 15, 2004, 11), Egyptian police recovered **3052 artefacts** from an apartment that was co-owned by Mohamed Ali Farag.

- In April, a Los Angeles man was arrested on suspicion of smuggling Egyptian artefacts into the US and an investigation has been opened by US Immigration and Customs Enforcement (ICE).
- Sometime in 2002, **70 artefacts** from the **Egyptian Predynastic site of Ma'adi** were **stolen** from storage in Cairo University. The site of Ma'adi was excavated from the 1930s through to the 1950s, and full publication in a series of monographs is still ongoing.

Five stone and two ceramic vessels from Ma'adi turned up for sale at Bonhams in their October 2004 London 'Antiquities' sale (lots 1–4, 6, 8 & 9), but were recognized by Egyptologist Luc Watrin who alerted Bonhams and stopped their sale. The vessels were said to have been sold to the consignor by the grandson of one Joseph Garnish, who was said in turn to have acquired them while working in Cairo for a mining company in the 1930s. Bonhams arranged with the consignor that the pieces should be returned to Egypt, and they were delivered to the Egyptian Embassy in London in February. The identity of the consignor has not been revealed.

Another Ma'adi piece was sold for \$6573 through Christie's New York at their June 2004 'Antiquities' sale. It was lot 99, 'An Egyptian rose granite vessel', said to have been excavated at Ma'adi and in the Garnish collection since the 1930s. The purchaser (whose name has not been revealed) offered the piece on loan to the Metropolitan Museum of Art in New York, whereupon the Metropolitan's staff recognized the piece as stolen, and arranged with the owner for it to be returned to Egypt.

A large number of Ma'adi pots have

also appeared for sale on various websites. Part of the Ma'adi ceramic assemblage was published in 1987 (I. Rizkana & J. Seeher, *Maadi I. The Pottery of the Predynastic Settlement*, Mainz am Rhein: Philipp von Zabern), and on page 13 the authors state that their study of the pottery took place in 1984 and 1985, at which time the pottery was still in storage at the site. Therefore, any pottery from the publication can only have moved out of Egypt after 1983, the date of Egypt's patrimony law,

The pots offered for sale on the Internet are advertised with photographs, and sometimes an excavation number is provided, in which case they are easy to check against the Rizkana & Seeher publication. One pot, offered for sale by Michigan-based Orpheus Art with the description 'Predynastic opium poppy vase' (item no. 90069), had the excavation number 1915 and has been identified as Rizkana & Seeher plate 2.8. Its provenance was given as 'Johnson family collection, excavated in Egypt approx. 1932'. All of the Ma'adi pots offered for sale have the same Johnson provenance.

An apparent link between the Johnson family and Joseph Garnish was provided last year for a pot offered for sale at the Wallis Gallery of Antiquities. The previous owner was identified as the proprietor of Washington DC-based Sands of Time Antiquities, who was said to have acquired the piece in 2003. Sometime previously, it had been in the possession of Edward Johnson, who was said to be the grandson of Joseph Garner (sic.), who acquired the piece while working on a mining project in Cairo during the 1930s. Thus the Garnish/Garner–Johnson pedigree has the appearance of a false provenance constructed to cover the entry onto the market of material illegally exported from Egypt, and any object bearing that provenance must be viewed as suspect.

The proprietor of the Wallis Gallery has informed *Culture Without Context* that when he became aware of the question-mark hanging over his piece he returned it



to Sands of Time. In turn, Sands of Time is now working with the Art Loss Register to recover stolen material. Orpheus Art did not reply to a *Culture Without Context* enquiry, and the piece 90069 offered for sale by Orpheus has now been sold.

## USA

- In January a newly-formed eight-person **FBI task force** specializing in art and cultural heritage crime met in Philadelphia with museum staff and representatives of the art trade. The Department of Justice has also designated two District Attorneys to support the new unit.
- In April, the Southern District of New York US Attorney's Office charged father and son dealers Edward and Samuel Merrin, owners of the Merrin Gallery, with **conspiring to defraud customers** out of millions of dollars. They are said to have entered into oral agreements with customers to deliver pieces at cost price plus an agreed commission of between 10 to 20 per cent, subsequently exaggerating the cost price by two to three times. From April 1989 to June 2000 they are said to have **sold hundreds of pieces** worth more than \$65 million under such agreements (see US Department of Justice press release at <http://www.usdoj.gov/usao/nys/Press%20Releases/March05/Merrin%20indictment%20PR.pdf>.)
- Elsewhere in the United States, **museums have been under attack**. In December 2004, California's Daggett Historical Society's museum's losses included two Acoma pots and a Navajo textile. More was taken from the Cabazon Cultural Museum, also in California. Then, in March, the Mid-America All-Indian Center museum in Wichita said that up to 270 artefacts had disappeared from storage. The FBI has since recovered 14 of the 17 stolen Cabazon artefacts.

- In South Dakota, Lake Oahe is at low level and many **new archaeological sites** have been **exposed**, ranging in date from prehistoric to nineteenth-century, and are attracting the usual crop of looters.
- Convictions included Californian Jerry David Hasson in January 2005 who pleaded guilty under the Archaeological Resources Protection Act (ARPA) to offering for sale on the Internet a **200-year-old skull** of a native Hawaiian that had been stolen from Maui in 1969 (<http://www.usdoj.gov/usao/cac/pr2005/010.html>), and in Denver Robert Hanson pleaded guilty in May 2005 under ARPA of illegally transporting artefacts dating back to AD 1200 stolen from the Ute Mountain Ute Tribal Park Museum (<http://www.usdoj.gov/usao/co/051305Frame1Source1.htm>).

## Iran

- The Iranian Cultural Heritage News Agency (CHN) announced on 11 February that the Iranian Cultural Heritage and Tourism Organisation had **managed to stop illegal excavations at Jiroft**. The looting is said to have started in April 2001 when a chance find attracted local villagers to the site, and continued there for more than three years. It is believed that thousands of objects were removed. 300 people were arrested and two men were sentenced to death. The *Art Newspaper* (January 2005, 3) reported that perhaps 70 per cent of the looted Jiroft artefacts had passed through Britain. In March, 118 Jiroft artefacts that had been seized by UK customs at Heathrow in June 2004 were returned to Iran (CHN, 10 March 2005).
- Christie's auction house in London was forced to withdraw a piece of **Achaemenid stone relief sculpture** from its 20 April 'Antiquities' sale after the Iranian Government started legal proceedings for its return. The piece (lot 64), which shows



the head of a guardsman, is from the fifth-century BC Palace of Xerxes at Persepolis and had previously been sold at Sotheby's New York on 4 May 1974. Iran claims it was smuggled out of the country sometime between 1933 and 1974. The name of the owner was not revealed in the Christie's catalogue, but the *Daily Telegraph* reported that it is believed to be Denyse Berend (C. Hope, 'Christie's faces block on sale of Iranian artefact', 30 May 2005). The auction was a single-owner sale of 100 lots and was unusual in that 65 lots were accompanied by a provenance that included either the name of a previous owner or the time and place of purchase (65 per cent is a much higher percentage than is usual at antiquities auctions). Only a few of these provenances stretch back to before 1970, which presumably reflects the date of the collection's establishment, but nevertheless they provide basic information for further provenance research.



## Israel

- In December, five men were indicted for **allegedly forging antiquities** on evidence gathered by the Israel Antiquities Authority and the Israeli police. They are Oded Golan, Shlomo Cohen, Robert Deutsch, Rafael Braun and Fayez al-Amaleh. The indictment claims that the group systematically faked or artificially 'enhanced' antiquities over a twenty-year period, including the 'James Ossuary' inscription, the 'Jehoash Stone' ('In the News', *CWC*, Issue 12, 2003, 14; 'In the News', *CWC*, Issue 13, 2003, 13), and an ivory pomegranate reputed to be an artefact from Jerusalem's first (Solomonic) temple for which in 1988 the Israel Museum paid \$550,000 into an anonymous Swiss bank account. The trial is due to commence on 4 September.

The March/April 2005 issue of *Biblical Archaeological Review* gives a good, though biased, account of the personalities

and objects that figure in the case ('Update – finds or fakes?', 58–69). The magazine's proprietor and editor Herschel Shanks has been a tireless and vocal defender of the authenticity of some of the objects, particularly the James Ossuary inscription, but the 25 March 2005 issue of the Canadian magazine *Maclean's* (Jonathon Gatehouse, 'Cashbox', 26–36) brought Shanks's own interest into focus — apparently he was paid \$28,000 by Canada's Royal Ontario Museum for his part in arranging that the Ossuary was displayed there.

- In the *Jerusalem Post*, Etgar Lefkovits reported that in 2004 there were **314 reported cases of antiquities theft** in Israel compared to fewer than 200 in 2003, and that eight Palestinians were arrested in March for illegal digging ('Construction workers held for antiquities theft', 8 March 2005). In January a man was convicted in Jerusalem and sentenced to five months in jail for illegal digging. Then, in May, Israeli postal workers discovered a bronze weight of the Bar Kochba period (AD 132–5) hidden inside a cut-out in a book. Also in May, two men were arrested in Jerusalem for trying to sell two ossuaries, which still contained bones. A few weeks later in June three men were arrested for allegedly conducting illegal excavations in a Modi'in cemetery.



## Iraq

- A situation report on Iraq in *The Art Newspaper* (J. Kaufman, 'Museums closed and looting rampant', February 2005, 4) revealed that all **museums remain closed and looting is still endemic**. The Basra Museum was said to be occupied by squatters, museums at Kufa and Nejef occupied by Islamists, and Nasariya museum has been burned. The Iraqi State Board of Antiquities and Heritage (SBAH) has established a Facilities Protection Service (FPS) to guard archaeological sites, but although there



are 1750 recruits the force is still short of radios, vehicles and weapons. New security systems are now in place at the National Museum.

- The British Museum's Keeper of the Department of the Ancient Near East, **John Curtis**, visited the site of **Babylon** in December and in a report published in January he catalogued the damage that had been caused there by the expansion of a Coalition military base (available at <http://www.thebritishmuseum.ac.uk/news/babylon.html>). Coalition troops withdrew in January and the site was handed over to the FPS.
- A **five-year tour of museums** worldwide has been organized for an exhibition of Iraqi archaeological material, including the **Nimrud Gold**. It is hoped that the tour will raise over \$10 million which will be used to refurbish Iraq's National Museum.
- In February, **eight cylinder seals** that had been brought out of Iraq illegally by a US marine but voluntarily handed over to the FBI were **returned to the Iraqi authorities**. In May, a US Air Force officer was found guilty by a military judge of illegally exporting a large number of (modern) weapons and a statue looted from Iraq's National Museum.
- In an interview reported in the *Palestine Chronicle* (S. Nettnin, 'Iraq Museum's Director-General lectures about antiquities', 9 June 2005), Donny George, Director of Iraq's National Museum, revealed that an Iraqi **youth organization recovered 200 looted artefacts** between March and May 2005.
- The World Monuments Fund announced in June that because of widespread looting and war damage it had placed the entire **cultural heritage of Iraq** on its **list of 100 Most Endangered Sites**.
- Charles Onians, writing in the *Middle East*

*Times* ('Priceless mystery shrouds Iraq's missing artifacts', 20 June 2005) reported on **Iraqi efforts in Dhi Qar province to break up smuggling networks**. Over 60 suspects were identified in the single town of Fajir, 100 km north of Nassiriya with a population of 10,000.

- In June, Jordanian authorities announced that they had seized 1347 Iraqi artefacts over the preceding two years.



## The fall of Sheikh Saud Al-Thani

The *Art Newspaper* has been busy investigating the affairs of **Sheikh Saud Al-Thani**. In April it reported that he had been **arrested in March** in the Qatari capital of Doha after an investigation into his use (or misuse) of public funds, which he had used to purchase material for five museums which are being built in Qatar, with a view to establishing Qatar as the region's foremost cultural centre. Sheikh Saud Al-Thani's position as Chairman of the National Council for Culture, Arts and Heritage (NCCA) was taken over by Dr Mohammed Abdulraheem. Dr Oliver Watson, chief curator of Qatar's Museum of Islamic Art, resigned his post to become the new Keeper of Asian Art at Oxford's Ashmolean Museum.

Sheikh Saud has been profligate in the market over the past eight years, and routinely paid many times over the estimated price to secure a desired purchase, sometimes operating through several agents at once at auction sales.

More revelations followed in The *Art Newspaper's* May and June issues, when it alleged that London dealer Oliver Hoare had on more than one occasion invoiced the Sheikh for sums of money in payment for objects that the Sheikh already owned and that were well in excess of market value, and that the Sheikh had then used these invoices to obtain money from the NCCA. The *Art Newspaper* further claimed (June 2005, 1) that the money does not appear in Hoare's published accounts. Oliver



Hoare did not confirm or deny the allegations, though the director of Copenhagen's David Collection, Kjeld von Folsach, came forward to defend him.

The Sheikh's withdrawal from the market had a depressing effect upon London's spring Islamic Art auctions.



## Yemen

In March, the head of Yemen's General Organisation for Antiquities and Museums announced a **new get-tough policy on antiquities smuggling** with the creation of a special police unit and an increase in international cooperation. The results of this new policy are apparent in the Yemeni media. In February, police arrested five individuals, led by a Jordanian national, on suspicion of smuggling antiquities. Also in February, an Iraqi national, an employee of an international freight company, was arrested for smuggling and more than 300 artefacts were recovered. Apparently, the suspect admitted during interrogation to smuggling a similar number of artefacts out through the airport last year. In April, Yemeni police arrested a three-man gang trying to smuggle pre-Islamic antiquities over the border into Saudi Arabia. In May, the director of Yemen's Sana'a International Airport announced that 1200 artefacts of all dates had been seized there between December 2004 and April 2005. Two incidents involved Spanish nationals.



## China

- The US Cultural Property Advisory Committee (CPAC) met in February to consider a request from the People's Republic of China for the United States to place **import controls on Chinese cultural material** from the Palaeolithic through to the end of the Qing Dynasty. A summary text of China's request (available at: <http://exchanges.state.gov/culprop/cn04sum.html>) reveals that:

- In 1997, Tianjin Customs intercepted a container load of over 4000 artefacts and later that year a further two shipments headed for South Korea containing 513 pieces. Also in 1997, an intercepted shipment from Beijing to the United States contained more than 2200 pieces.
- In 1996, 187 people looted over 199 tombs in Jiangxi Province. From March 1998 to August 1998 a gang plundered more than 600 tombs in Hunan Province.
- In Chifeng City (Inner Mongolia) over the past 20 years more than 6000 archaeological sites have been looted. Over 500 stone statues have been reported stolen from the area's Buddhist temples and monuments.
- The plunder of inscribed artefacts from the Tombs of the Marquis of the Jin State (in Shanxi Province) has disrupted the State's historical record.

At the US end, it was revealed that:

- In 1997 Seattle customs intercepted a large quantity of artefacts in containers inbound from Hong Kong that were subsequently returned to Hong Kong.
- In 1998 and 1999 shipments were discovered in New Jersey and San Diego.

At an open session of the CPAC meeting, the American Council for Cultural Policy, together with Directors of the Art Institute of Chicago, the Asian Art Museum of San Francisco, the Cleveland Museum of Art, and the Nelson-Atkins Museum of Art spoke against the application, while the Lawyers' Committee for Cultural Heritage Protection, Saving Antiquities For Everyone, and curators of the Chicago Field Museum spoke in favour.

- In the Chinese media the government reported that in 2002 **Chinese customs intercepted 8780 artefacts before export**, and that 40 individual cases of artefact theft were reported in 2004, involving 222 artefacts. The figure did not include illegal excavations. A stone head that had been sawn off a Buddha statute in Shangdong's Shentong Monastery in 1997 was returned



in November 2004 by Taiwan's Dharma Drum Mountain Foundation. Two Japanese nationals were arrested in April in China's eastern Zhejiang Province for trying to smuggle 310 pieces of early first-millennium pottery.

- In the *International Herald Tribune*, Souren Melikian has reported that although the **Chinese art market** is benefiting from an influx of mainland Chinese buyers, they are not interested in archaeological pieces — archaic bronzes, Tang figurines and the like — but rather they are buying later Ming and Qing material ('History drives Chinese sales', July 23–24 2005).



## The rest of Asia

- In Cambodia, the Authority for Protection and Management of Angkor and the Region of Siem Reap (APSARA) suggests that the **Cambodian army has been involved in the theft and transport of temple sculpture** (J. Perlez, 'Siem Reap Journal; a cruel race to loot the splendor that was Angkor', *New York Times*, 22 March 2005). Rosita Boland in the *Irish Times* had more to say about looting in Cambodia and selling in Thailand ('Looter's paradise', 26 March 2005). In Bangkok she spoke to a dealer who explained to her the basic economic facts — the Cambodian looter receives at most \$130 (about five times the average monthly wage) for a piece which will be sold in Bangkok for \$30,000, and perhaps more. In a follow-up article she reported on the explosive growth of tourism in Cambodia — 1.05 million people in 2004, up from 180,000 in 2002 ('Nothing sacred for the tourists', 28 March 2005). Local people are being pushed aside by outside, often foreign, interests intent on profiting from the boom, and the concept of the museum seems to be morphing into that of the shopping mall. Boland was accompanied

by Frank Miller whose photographs are available at <http://www.ireland.com/focus/cambodia/>.

- In February, acting on information supplied by the US Department of Homeland Security, Thai police arrested Priya Wachitphan in Bangkok. He was charged with illegal dealing on the Internet in dinosaur fossils (J. McGirk, 'Terror alert reveals eBay trade in dinosaurs', *Independent*, 26 February 2005). Meanwhile, in Ayutthaya province, **temples** have taken to **protecting their Buddha images** with elaborate anti-theft measures, and in April two images that had been stolen from Jetiyanusorn temple were recovered by Thai police.
- In India, the parliamentary committee on culture reported on **inadequate museum security**, and after some high-profile thefts the National Museum is planning to install infra-red and visual surveillance systems.
- In June, Pakistani **customs seized 1482 artefacts** ranging in date from Neolithic to Gandharan, thought to have been excavated illegally in Afghanistan and southwest Pakistan. The objects were discovered in Karachi alongside furniture in a container destined for Dubai.
- Legazpi Museum in the Philippines has learned that a **sunken eighteenth-century Spanish galleon** was probably discovered last year off the island of Rapu-Rapu, and emptied of its contents — estimated to more than a thousand coins — by local fishermen.



## Across Europe

- Switzerland's new Cultural Property Transfer Act (CPTA) implementing the 1970 UNESCO Convention came into effect on 1 June 2005. Among other things,



it introduces a **criminal offence for intentionally dealing in stolen cultural objects**, it makes provision for time-limited import restrictions to be imposed on categories of material in special danger, it makes allowance for the repatriation of illegally-exported material, subject to a 30-year limitation period from time of export, and it aims to render the Swiss market more transparent by requiring that dealers keep documentary records for 30 years of provenance-related information for all transactions involving objects priced at more than SF 5,000 (\$4000). Thus the new law introduces what might be called a 'rolling 30-year-rule', whereby stolen or illegally-exported objects can only enter legitimate commerce after a time lapse of 30 years.

- In May, the deputy-chief of the Russian Federal Surveillance Service for Compliance with the Law in Mass Communications and Cultural Heritage (Rosokhrankultura) suggested that the annual black market turnover in stolen cultural heritage is \$80–100 million, and called for the **introduction of a legal market** to allow closer monitoring. Russian authorities are also trying to extradite from Israel Ze'ev (Vladimir) Feinberg, who is accused of stealing more than 7000 documents from historical archives in St Petersburg in 1994. Feinberg claims to have bought the documents not knowing that they were stolen.
- In January, a **theft at the British Museum's Greek and Roman galleries was foiled** when security guards caught a man trying to open a display case with a pair of pliers. Egyptian shabti figures with a combined estimated value of £15,000 were stolen from Batley's Bagshaw Museum (Yorkshire) in March. A teaching collection of artefacts was stolen from a car in Birmingham in February. In Devon and Cornwall, monuments are being 'tagged' with microchips to guard them against theft after a failed attempt last year to steal a granite cross from Dartmoor.

In May, Manchester Museum's John Prag discovered that an Archaic Greek kouros he was hoping to acquire from London dealer James Ede had been stolen from Samos Museum sometime after 1942. Though under no legal obligation, Mr Ede returned the piece to Greece and waived a reward.

- In January, **Greek police seized 100 illegally-excavated clay figurines** in Athens, and in February, they recovered a further 4000 artefacts from a farmer's house 40 kilometres east of Thessaloniki. Also in February, the Orthodox Church suspended the priest Iakovos Giosakis who was subsequently arrested on charges of antiquities smuggling. Giosakis denies the charges. Still in February, fears were raised that new draft legislation aimed at protecting designated underwater archaeological sites could herald an open season on uncharted shipwrecks. In June, a Thessaloniki man was arrested and charged with possession of 100 illegally-obtained artefacts, including a gold funerary mask.
- In March, Odyssey Marine Exploration's deep ocean platform Odyssey Explorer arrived off the coast of Spain to begin work on the wreck of the **HMS Sussex** ('Editorial', *CWC*, Issue 11, 2002, 3–4). The project was interrupted when the Andalucia Guardia Civil sent out patrol boats to stop work. In a press release dated 20 April Odyssey announced that it had suspended operations until the dispute over jurisdiction between the Spanish and British governments is resolved.
- In April, Spanish **police recovered 10,358 cultural objects**, including 7442 archaeological pieces, and 467 tools that could be used for faking, when they arrested 16 people across the country in Valencia, Seville, Barcelona, Madrid, Malaga and Bilbao, and charged them with illegally excavating, trading or forging objects.
- In January, Bulgarian **customs officers**



**intercepted a car** with UK number plates attempting to cross the border into Serbia carrying 706 artefacts.

- Alma Lama, writing for the Institute for War and Peace Reporting, claimed that four Polish UNMIK (United Nations Mission in Kosovo) **police officers have been caught metal detecting and digging** at the protected medieval fort of Novobrdó in Kosovo, although UNMIK has not confirmed this report ('Foreign raiders plunder Kosovo's heritage', *BCR* 561, 23 June 2005).

## Italy

- In December, **Giacomo Medici was sentenced to 10 years in jail** and ordered to pay damages of €10 million (see P. Watson, 'The sequestered warehouses', *CWC*, Issue 2, 1998, 11–14; P. Watson, 'Euphronius kylix update', *CWC*, Issue 5, 1999, 4). He has appealed.
- In January, an **amendment** to Italy's 2005 Budget Bill put forward by MP Gianfranco Conte **intended to declare an amnesty for looted archaeological material was rejected**. The amendment proposed that the possessors of illegally-obtained archaeological objects would be able to gain legal title through payment of five per cent of the object's monetary value to the State.

- In May, Marion True, **former curator** of antiquities at the J. Paul Getty Museum, was **indicted in Italy** on charges concerning the acquisition of 40 antiquities removed illegally from Italy. One is the acrolithic statue of Aphrodite acquired in 1987 (see 'Aphrodite', *CWC* no.11, 2002, 24–5). The trial is due to begin in July (T. Wilkinson & S. Muchnic, 'Indictment targets Getty's acquisitions', *Los Angeles Times*, 20 May 2005).

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# International law for the protection of the underwater cultural heritage: can our past be salvaged?

MARINA PAPA SOKAL<sup>1</sup>

The term ‘underwater cultural heritage’ (or UCH for short) refers to all remains of human activities lying on the seabed, on riverbeds, or at the bottom of lakes. It includes shipwrecks and other objects lost at sea, as well as prehistoric sites, sunken towns, and ancient ports that were once on the dry land and were eventually submerged due to climatic or geological changes. UCH forms an integral part of our common archaeological and historical heritage, and can give us invaluable information about cultural and economic contacts, migration and trade patterns, and production and export.

In this paper I will briefly outline the current state of international law for the protection of UCH. I will concentrate on the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage, which is at present the only international agreement specifically directed at the protection of UCH (O’Keefe 2002). However, since this Convention has not yet entered into force (and may not do so for some time), I will also look at other legal instruments that bear on the protection of UCH (available at <http://www.unesco.org>).

## UNCLOS

First, some basic background concerning maritime law in general. The most comprehensive international legal regime dealing with maritime affairs that is currently in force is the Third United Nations Law of the Sea Convention (or UNCLOS for short), which was adopted in 1982 and went into force in 1994. For jurisdictional purposes UNCLOS recognizes five main maritime zones:

- First, we have the internal waters of a country: these include lakes and rivers, as well as archipelagic waters, and are normally treated as an integral part of a State’s territory. A majority of countries have national legislation covering

the protection of cultural heritage, and these laws usually apply to both land and underwater sites.

- Secondly, the territorial sea: UNCLOS allows States to proclaim sovereignty over an area extending up to 12 nautical miles from the coastline. In this zone the coastal State has total control on any activity; ships belonging to other States have only the right of innocent passage.
- Third, the contiguous zone: a State may claim a further zone up to a total of 24 miles from the coast in order to enforce its customs, tax, immigration and sanitary laws.
- Fourth, the continental shelf and an Exclusive Economic Zone (EEZ) up to 200 miles from the coast can be claimed to exploit the natural resources of the seabed and the water above.
- And finally, the high seas, also called the Area, where no country has exclusive jurisdiction or sovereign rights.

UNCLOS is primarily concerned with trade, fishing rights, commercial exploitation of natural resources in the seabed, and environmental protection. In fact, questions related to the protection of underwater cultural heritage only entered the negotiations at a late stage. As a result, only two articles of UNCLOS refer directly to UCH.

Article 303 declares that ‘States have the duty to protect objects of an archaeological and historical nature found at sea and shall co-operate for this purpose’, but provides no details. This article also gives coastal states limited rights to protect cultural heritage within the contiguous zone. However, Article 303 also adds that it is ‘without prejudice to other international agreements and rules of international law regarding the protection of objects of an archaeological and historical nature’, effectively leaving the door open to new international agreements such as the 2001 UNESCO Convention.

Article 149 of UNCLOS states that ‘all objects of an archaeological and historical nature found in the Area [that is, on the seabed underneath the high seas] shall be preserved or disposed of for the benefit of mankind as a whole, particular regard being paid to the preferential rights of the State or country of origin, or the State of cultural origin, or the State of historical and archaeological origin’. So, not only is Article 149 limited to the Area, but the provisions for exactly what



to do with UCH as well the definitions of what constitute country of origin are both extremely vague and confusing.

So far, UNCLOS has been ratified by 146 nations (<http://www.un.org/los/>). It is, however, clearly inadequate to guarantee proper, scientific, long-term protection of underwater cultural heritage at an international level. Moreover, it leaves a dangerous gap in the regulation of UCH situated between the outer limit of the contiguous zone and the beginning of the Area.

For these reasons, even before UNCLOS entered into force, the International Law Association (or ILA), a private organization based in London, started work in 1988 on a draft convention for the protection of UCH. This draft was eventually finalized and adopted in Buenos Aires in 1994 and was forwarded to UNESCO, which was judged the most appropriate organization to examine and adopt it as an international convention (O'Keefe 2002).

### **UNESCO Convention on the Protection of the Underwater Cultural Heritage**

Already in 1993, the Executive Board of UNESCO had asked the Director General to examine the feasibility of an international instrument for the protection of UCH. The ILA draft was taken into consideration in the report which was submitted by the UNESCO Secretariat to the Executive Board in March 1995. This study highlighted some of the shortcomings of the existing legal regime, and strongly recommended the drafting of a new international normative instrument for the protection of UCH.

To begin with, the report observed that none of the other three UNESCO Conventions concerned with the protection of the world cultural heritage — namely, the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, and the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage — include provisions directed at UCH.

The other major concern expressed in the report is that the technological advances in SCUBA diving since World War II and the ever-increasing interest in underwater exploration for both recreational and commercial purposes pose a real

and growing threat to the preservation of cultural and historical resources.

Following the recommendation expressed in this feasibility study, the UNESCO executive board convened a group of governmental experts with the task of drafting a new convention. The negotiations took place in four meetings between June 1998 and July 2001. A total of four separate drafts were drawn, using the ILA draft as a basis. Although much of the spirit of the ILA draft was retained, the final text of the convention also differs in important ways both from the ILA draft and from the earlier UNESCO drafts. This is the result of lengthy, and at times contentious, debates, in a process that was marred by numerous problems such as a high turnover of delegates, who were sometimes not fully informed about the issues involved. Finally, in an unusually extended meeting on 8 July 2001, the governmental experts, unable to reach a full consensus, approved the draft text by vote. The Convention was formally adopted by the 31st General Conference of UNESCO on 2 November 2001, by 87 votes in favour, 4 against (Russia, Norway, Turkey and Venezuela) and 15 abstentions (among which were Brazil, France, Greece, the Netherlands and the UK). The US, although invited to participate in the negotiations, did not have the right to vote as it was not a member of UNESCO at the time (the US rejoined UNESCO in October 2003).

The Convention consists of a main body of 35 articles and an Annex of 36 Rules concerning activities directed at UCH, which were developed by the International Council of Monuments and Sites (ICOMOS) and are to be considered as an integral part of the Convention.

In Article 1, UCH is defined as

all traces of human existence having a cultural, historical or archaeological character which have been partially or totally underwater, periodically or continuously, for at least 100 years such as: sites, structures, buildings, artefacts and human remains ...; vessels, aircraft ... [and] their cargo, together with their archaeological and natural context; and objects of prehistoric character.

The 100-year time limit automatically excludes more recent materials such as (at least for the near future) relics from the two World Wars or others of particular historical significance like the Titanic.



The main objective of the Convention is the protection and conservation of UCH ‘for the benefit of humanity’ as a whole, with a strong emphasis put on *in situ* preservation. As has been often observed, underwater sites, in particular shipwrecks, are like time capsules, or as one commentator put it, ‘snapshots of history at a particular point in time’ (O’Keefe 2002) where all the finds are closely related to each other in a well-defined spatial and chronological context. Moreover, underwater sites are often surprisingly well preserved, especially when lying in the deep seabed where the moist environment protects materials such as wood, while the lack of oxygen prevents the decay of metals. It is only when such stable conditions are disturbed, for instance by excavation, that materials can very quickly deteriorate. A further reason to favour *in situ* preservation is that, because of the continual advances in technology, we may have better chances in the future to study such sites in more precise but less invasive ways. Therefore, the Convention recommends that only when the safety of a site is seriously threatened — whether by natural causes or by man-made ones, such as the laying of cables, oil drilling or other resource exploitation, or of course looting — should underwater sites be scientifically ‘excavated’, in the sense that the finds are carefully removed and catalogued, and provisions are made for their long-term storage and conservation. In any case, all activities directed at UCH should ‘only be undertaken under the direction and control of ... a qualified underwater archaeologist with scientific competence appropriate to the project’ (Rule 22). For this purpose, the Convention actively encourages co-operation and the sharing of information and technology among States. Furthermore, it recognizes the public’s right to ‘enjoy the educational and recreational benefit of responsible, non-intrusive access to *in situ* cultural heritage’ and the importance of public education to raise awareness regarding the value and significance of UCH and the need for protecting it. The same regime of protection applies to all the maritime zones.

One of the key points of the Convention is its declaration — in Article 4 — that the law of salvage and the law of finds will NOT be applicable to underwater cultural heritage. The law of salvage has ancient roots, and its main function is to encourage the rescue of vessels in sea peril and the recovery of goods from shipwrecks on

behalf of the owner. Salvors do not obtain ownership rights in the goods recovered, but do obtain a right to generous compensation for their labours. The law of finds, by contrast, applies to property that has been long lost or abandoned, and grants title to the first finder. In either case, the emphasis is on the adjudication of property rights, not on the protection of archaeological context. Indeed, ‘salvage’ activities on an underwater site are not very different from looting an archaeological site on land. Clearly the idea of salvage applied to UCH is completely against the spirit of the Convention and totally inconsistent with its main principle of *in situ* preservation. Therefore, Rule 2 of the Convention states unambiguously that ‘the commercial exploitation of UCH for trade or speculation or its irretrievable dispersal is fundamentally incompatible with its protection and proper management. UCH shall not be traded, sold, bought or bartered as commercial goods’.

As I mentioned earlier, in the course of the negotiations a number of disagreements emerged, which the delegates were unable to resolve to everyone’s satisfaction in the final text of the Convention; and these remain the main concerns preventing some of the major maritime nations from joining. One important concern, shared particularly by the US, UK and Russia, involves issues of sovereign immunity for sunken State vessels and warships as well as the security and freedom of their armed forces to operate in the high seas without interference. The US is also especially worried about jeopardizing the economic interests of its thriving commercial and recreational diving industry. The UK, for its part, objected to the Convention’s extension of mandatory protection to all shipwrecks over 100 years old, preferring the approach of its own Protection of Wrecks Act, which applies only to wrecks of ‘historical, archaeological or artistic importance’.

### **US domestic legislation on UCH**

The US has not ratified either UNCLOS or the 2001 UNESCO Convention. In addition to sovereign rights in its territorial sea, the US has at various times declared its jurisdiction over the contiguous zone, the continental shelf and the Exclusive Economic Zone, covering therefore an area up to 200 nautical miles from the coastline. The only federal law directed exclusively at UCH is the Abandoned Shipwreck Act of 1987, by which



the federal government asserts ownership over certain classes of abandoned shipwrecks considered to be of historic significance (and then transfers title to the states). There are, however, serious limitations in this statute: in particular, it deals only with shipwrecks and not with other types of submerged sites; its application is limited to the territorial sea up to three miles from the coast; and most importantly, it covers only shipwrecks deemed to be 'abandoned', but without providing any precise definition of this term. This has created a paradoxical situation in which commercial salvors, who used to prefer to have a shipwreck declared abandoned so that they could get title to it under the law of finds, are now trying to win salvage rights by convincing admiralty courts that even ancient shipwrecks have not really been abandoned and are therefore not covered by Abandoned Shipwreck Act. Unfortunately, some recent court cases, in particular that of the *Brother Jonathan*,<sup>2</sup> which sank in 1865, seem to prove that this strategy may actually work!

The only other important federal law concerned with UCH is the National Marine Sanctuaries Act of 1972.<sup>3</sup> This law authorizes the Secretary of Commerce, through the National Oceanic and Atmospheric Administration (NOAA), to designate discrete marine areas, within 200 nautical miles of the coast,<sup>4</sup> which are deemed to be of national importance for a variety of reasons including the area's 'historical, cultural, archaeological, or paleontological significance'. There are at present 12 national marine sanctuaries scattered along the coasts of the US. In these zones NOAA has the authority to regulate any activity directed at UCH. There are also three historic preservation statutes that, although primarily intended for the preservation of historical sites on land, can under certain circumstances be applied to the protection of UCH. These are the Antiquities Act of 1906, the National Historic Preservation Act of 1966, and the Archaeological Resources Protection Act of 1979.

## Conclusion

The 2001 UNESCO Convention needs to be ratified by at least 20 States to enter into force. So far only five countries have ratified: Panama, Bulgaria, Croatia, Spain and Libya. This is unfortunate, as this convention is the most comprehensive legal instrument available at present

for ensuring the protection of UCH beyond territorial waters. It is therefore imperative to put pressure on governments to ratify the Convention. In the meantime, States should strengthen their domestic legislation by declaring sovereign rights out to 200 nautical miles, as allowed by UNCLOS, and applying strict rules to the management and protection of UCH within that zone. Indeed, as Sarah Dromgoole (forthcoming) has pointed out, the Rules embedded in the UNESCO Convention could serve as a model for national legislation. It is important that major maritime nations such as the US, the UK, and Australia take the lead at the domestic level as well as becoming signatories to the Convention. To its credit, the US was in 1983 the first major art-importing country to ratify the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which now has 100 State Parties including France, the UK, Switzerland and Japan. The 2001 Convention could have an impact on UCH similar to the positive impact that the 1970 Convention has had for the protection of the archaeological heritage on land.

To conclude, I believe that it is absolutely necessary to recognize that only through a broad concerted effort and international commitment can the preservation of our rich, yet extremely fragile underwater patrimony be guaranteed for future generations.

## Notes

1. This paper was presented at the Archaeological Institute of America Annual Meeting, January 2005.
2. *Deep Sea Research, Inc. v. The Brother Jonathan*, 883 F. Supp. 1343 (1995); 89 F. 3d 680 (1996); 102 F. 3d 379 (1996); 118 S. Ct. 1464 (1998); 143 F. 3d 1299 (1998).
3. 16 USCS sections 1431–1445.
4. 43 USCS sections 2101–2106.

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# Culture *Without* Context



The Newsletter of the Illicit Antiquities Research Centre

Issue 17, Autumn 2005

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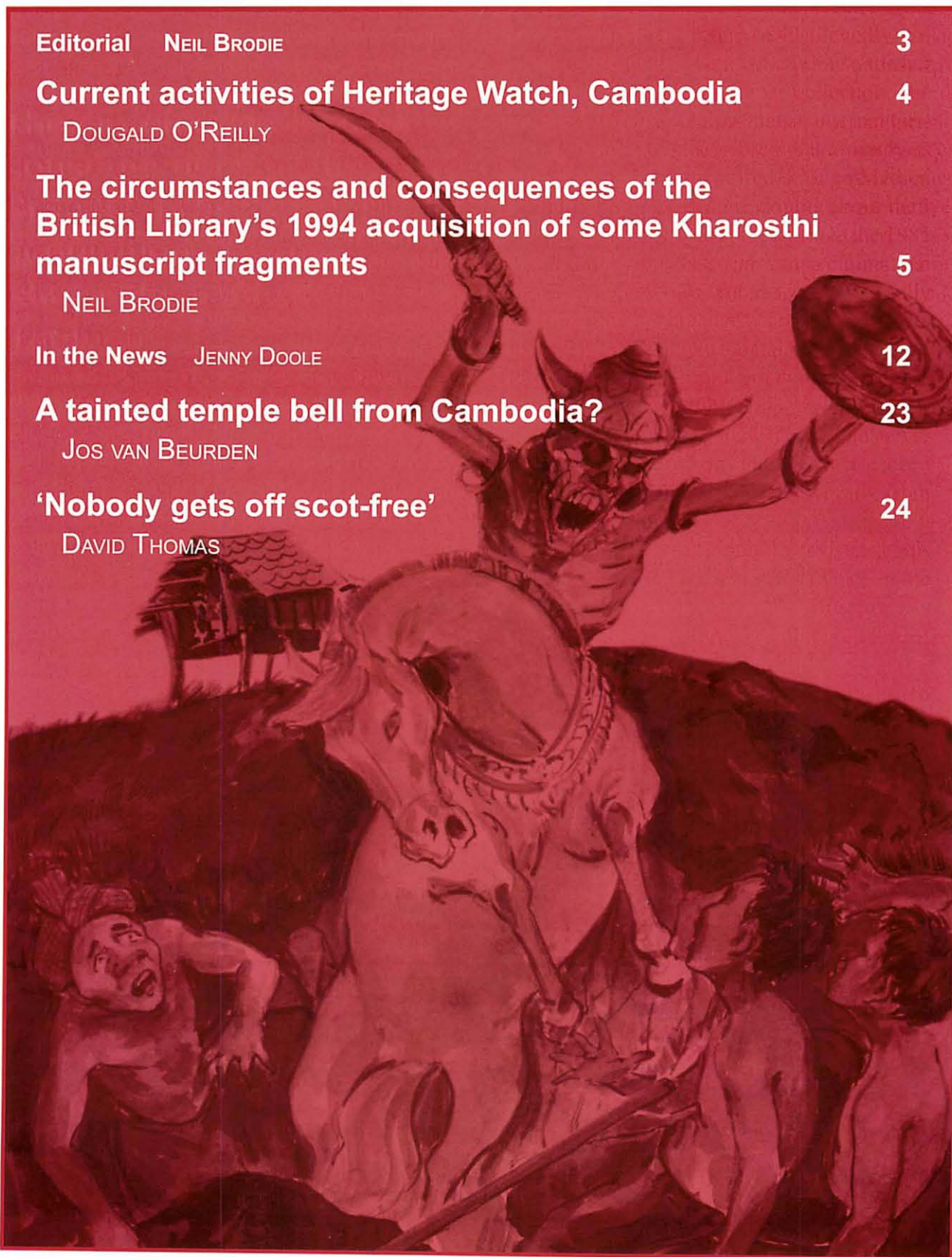
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The Illicit Antiquities Research Centre is a project of the McDonald Institute for Archaeological Research.



## Illicit Antiquities Research Centre

The Illicit Antiquities Research Centre (IARC) was established in May 1996, under the auspices of the McDonald Institute for Archaeological Research in Cambridge, England, and it commenced operations in October 1997. Its purpose is to monitor and report upon the damage caused to cultural heritage by the international trade in illicit antiquities (i.e. antiquities which have been stolen or clandestinely excavated and illegally exported). The enormous increase in the volume of this trade over the past twenty years has caused the large-scale plundering of archaeological sites and museums around the world. The IARC will raise public awareness of the problems caused by this trade and seek appropriate national and international legislation, codes of conduct and other conventions to place restraint upon it.

*Culture Without Context* is published twice-yearly. The next issue will appear in spring 2006. Subscription details are available from:

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**Front cover.** Cover of the comic book *Wrath of the Phantom Army* (see p. 4).

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ISSN 1464-1925

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Correspondence relating to all aspects of the legal and illegal trade in antiquities is welcome; we will make an effort to print reasonable, non-libellous letters. No unsigned letters will be printed, but names will be withheld upon request.

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Printed by BluePrint, Coldhams Road, Cambridge, UK, CB1 3EW.  
Tel: +44 (0)1223 472400



## Editorial

In March 2006, Scotland Yard reported that three to four tons of artefacts plundered from Afghanistan have been seized over the last two years (Lamb 2006). It seems appropriate, therefore, that this issue once more focuses on Afghanistan with an analysis and critique of the British Library's 1994 acquisition of some Kharosthi manuscript fragments. One point made in that paper is that it is difficult to obtain reliable evidence 'on the ground' of the damage caused to archaeological sites by commercially-motivated digging. We are grateful that David Thomas (University of Cambridge), who is Director of the Minaret of Jam Archaeological Project (MJAP; see *CWC*, Issue 14, 16–20), has allowed us to quote from his 2005 preliminary report where he is describing a field survey that took place in combination with a remote-sensing analysis of looted sites using satellite imagery (to be published in more detail in Thomas & Gascoigne in press).

The looting of antiquities from Jam and surrounding archaeological sites has been severe, and the damage done is evident even from a distance. As long as the number and location of the robber holes remains unspecified, it is very difficult for the National Afghan Institute of Archaeology (NAIA) and UNESCO to monitor the situation and develop a cultural heritage management plan for the site. In 2005, we attempted to use modern technology to assist NAIA and UNESCO in this process.

The availability of high-resolution satellite images, in which each pixel represents 60 cm on the ground, and Global Positioning Systems seemed to offer one quick way of tackling this problem. A generous grant from the British Embassy in Kabul enabled us to buy two satellite images, and to devote some of our time at Jam to investigating this problem. We soon found that we were testing the limits of the technology, as well as our stamina and balance on the precarious, steep slopes.

We selected the north bank of the Hari Rud as the focus for our pilot study, as it has been particularly badly affected by the looting. The first stage of the study was to survey and record each robber hole we encountered, while scrambling across the valley side. We did this in teams of two, measuring the maximum length, breadth and depth of each robber hole, before drawing a sketch plan, describing any visible architecture and counting ceramic sherds in sample 1 m × 1 m squares, in the robber hole and on the spoil heap downslope. We also collected unusual diagnostic sherds and objects, for further analysis.

By the end of the first day, we realised that it would be impractical to attempt to survey the whole of the north bank, due to the limited time and resources available. Consequently, we decided to concentrate on a 50-m-wide strip in the west of the slope, stretching 225 m from the Hari Rud up to Qasr Zarafshan. From this intensive sample, we could extrapolate estimates for the number of robber holes on rest of the hillslope.

By the end of the season, we had recorded 121 robber holes in this 50-m-wide strip, amounting to a robbed area of 1245 m<sup>2</sup> (11 per cent of the area investigated — by way of comparison, a normal archaeological excavation at a tepe site would generally excavate only 1–2 per cent of a site in the course of many seasons). By multiplying the area of each robber hole by its maximum depth, and dividing by half (to take account of the slope), we estimate that the robbers have removed a minimum of 1310 m<sup>3</sup> of deposits from this small area. Although the robber holes are not regular, and our calculations use maximum dimensions, we believe that this is a realistic figure, and probably an underestimation. Most of the robber holes are much deeper than they currently seem, and the large spoil heaps downslope from the robber holes probably conceal other illicit excavations.

About 69 per cent of the robber holes investigated contain definite or possible architecture; in addition to this information, we counted 386 sherds in the sample 1 m × 1 m robber holes and 485 sherds on the sample 1 m × 1 m spoil heaps. Since the north bank of the Hari Rud is c. 150 m long, we estimate that there are about 360 robber holes across the whole slope — this is the scale of the damage that the looting of antiquities has done to the archaeological remains at Jam, on one slope alone.



Another member of the MJAP project, Iain Shearer (University College London) also provides what he calls an 'unsubstantiated account' of the looting at Jam.

Informal conversations with local people indicate that there were two distinct looting periods, organised by outside dealer networks:

- Early–mid 1990s
- Very late 1990s–early 2000s

During these periods, the following objects are reported to have been removed:

*Beydan Valley* – all excavated during 2000:

- Two gold bracelets shaped as dragons with open mouths biting carved precious stones.
- One gold necklace manufactured as a dragon clutching and biting onto precious stones, primarily turquoise and lapis lazuli.
- Seven gold and lapis lazuli rings.
- Other unknown gold and precious stone artefacts.
- Household goods made of brass, heavily decorated (taken out during the mid-1990s).

'Bazaar' area, north bank Hari Rud — taken out from the mid-1990s onwards:



- Painted glass vessels and window-panes.
- A carved wooden door from the eastern part of this area, reportedly sold for \$21,000 some time during the late 1990s.

*Sangmenar*; behind Guesthouse — taken out from the mid-1990s onwards:

- Intact ceramics, particularly bowls and jugs.

*From across the site* — taken out from the mid-1990s onwards:

- ‘Gabri’ — small carved bead necklaces and bracelets, both complete and damaged, manufactured to resemble snakes and dragons.

*West bank Jam Rud*:

- Mason’s tools in metal (taken out during the mid-1990s).
- 800 gold coins in one ceramic vessel (taken out pre-1999).

*East bank Jam Rud and Minaret outcrop* – taken out from the mid-1990s onwards:

- Cricket-ball sized lumps of sulphur, which local people burned as flares and fireworks.

*Hebrew cemetery, Koshkak* – taken out pre-1999:

- Three ceramic vessels containing 2000+ gold coins.
- Local people are adamant that the looting has now

ended. The Ministry of Information, Culture and Tourism Guesthouse manager has been active in preventing the removal of other archaeological material from Jam: he rescued a carved wooden panel, when looters were disturbed excavating the Islamic burial at Khar Khoj. This artefact has been photographed, drawn and recorded, but we were unable to transport it safely to Kabul for conservation because of its very fragile state and the rigours of the journey. We plan to publish it in the journal *Iran*.

It is obviously impossible to verify these accounts of looted artefacts, which may well be exaggerated, but should similar objects appear for sale on the international antiquities market, or in museums and private collections, their provenance should be studied very carefully.

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## Current activities of Heritage Watch, Cambodia

Dougald O’Reilly

Currently Heritage Watch is engaged in a training programme at the Royal University of Fine Arts. Young Cambodian archaeologists are being taught research methods and analysis by Heritage Watch staff. The project involved a field component which involved the survey and excavation of the looted site Wat Jas. Regrettably little *in situ* information could be recovered from Wat Jas as the site had been completely destroyed by the activities of looters. Thousands of deep holes riddle the 120-ha site which contained an Iron Age (c. 500 BC–AD 500) cemetery. Looters are motivated to dig by the prospect of uncovering carnelian, agate and sometimes gold beads which are sold to a middleman for sale on to collectors and dealers in Thailand. The Heritage Watch project undertook a survey of the looted area and collected disturbed ceramic materials and mapped the entire site. Aerial photographs were also taken which reveal the shocking extent of looting at Wat Jas.

Heritage Watch continues to promote the preservation of Cambodia’s cultural heritage through

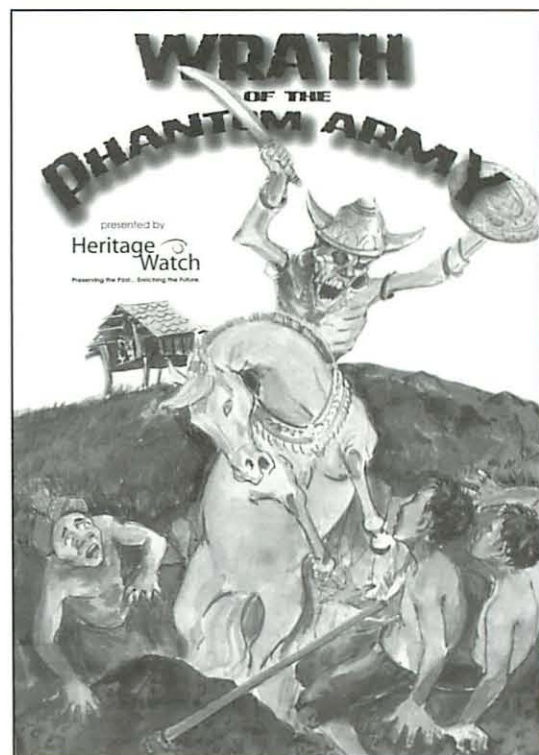


Figure 1. Cover of *Wrath of the Phantom Army*.

the distribution of *Wrath of the Phantom Army*, a comic book that tells the story of looting in a small village. The Khmer-language version is being distributed for free in areas where looting is a serious problem. The organization has also produced radio and television public service spots that are airing currently and will, hopefully, be aired on govern-



ment outlets in the near future. Education teams have also been working in areas where looting is prevalent, hosting large gatherings of locals. The purpose of these sessions is outreach, explaining the value and importance of cultural heritage. These activities have been greeted positively and after meeting surveys indicate a change in participants' attitudes. Heritage Watch is currently

applying for funds to work at Koh Ker Archaeological Park, a grouping of temples northeast of Angkor dating to the tenth century. The Sustainable Development and Heritage Preservation Project seeks to involve the local community in heritage preservation in return for training in small business management, tourism, craft production, English language and land rights.

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## The circumstances and consequences of the British Library's 1994 acquisition of some Kharosthi manuscript fragments

Neil Brodie

In 2004 a documentary programme made for the Norwegian television company NRK claimed that the British Library's 1994 acquisition of some Kharosthi manuscript fragments had created a market for central Asian manuscripts and triggered off a campaign of looting in Afghanistan and perhaps also in Pakistan (Lundén 2005, 7). The British Library (BL) refused to answer the claim on screen and has not answered since. The BL had also failed in 2003 to answer a letter from the IARC requesting information about the acquisition. Documents relating to the acquisition obtained from the BL under the 2000 Freedom of Information Act, together with ongoing publication of the manuscript fragments, now throw more light on the circumstances of the acquisition and its consequences. The BL has also supplied a statement on the acquisition.

### British Library statement

The scrolls — written on birch bark in the ancient script of Kharosthi in the language of Gandhara, an important centre of early Buddhism in central Asia which straddled the western borders of Pakistan and the eastern borders of Afghanistan — came to the Library in 1994 at a time of great uncertainty in Afghanistan. The Library was approached by a reputable London dealer for advice on the conservation of the scrolls which had been forced into a number of modern pickle jars. Knowing that the Kabul Museum had been looted, I understand that checks

were made at the time to make sure these items had not been part of the collection of that institution; however, with the civil war continuing, it was not possible to contact institutions in Afghanistan to discuss the scrolls. (The current scholarly position remains that 'No reliable information is available as to the circumstances, location and date of the discovery of the manuscripts and associated materials'; Salomon, Richard. *Ancient Buddhist Scrolls from Gandhara*, British Library, 1999 [page 20]).

As perhaps the only body with the necessary specialist expertise, and faced with the very real prospect that the scrolls would disintegrate entirely and be lost to research forever, the Library took the difficult decision which it considered justifiable under these circumstances to acquire these unprovenanced items. In view of the absence of clear provenance, and the possibility of future claims for restitution, the Library did not apply Grant-in-aid in the acquisition of the scrolls. Instead, a benefactor funded the acquisition in full cognisance of the background and in recognition of the conservation rescue imperative. This approach was sanctioned by the Library's Director of Special Collections at the time. The Board is aware of the unclear provenance of the scrolls.

The skilled conservation work undertaken by the Library subsequently has meant that this material has remained available to the international scholarly community. The Library has also been very active in informing scholars about the scrolls and their significance (in fact they were featured in the cover photograph of the Library's 1995/96 Annual Report).

Following the *Times* report ('Library pressured to return scrolls', Monday 13 September 2004) that a documentary by the Norwegian Broadcasting Corporation had raised the issue of the Library's ownership of these Kharosthi scrolls and that the Library was facing calls for their return from the Government of Afghanistan, the Library met with the Deputy Head of Mission at the Afghan Embassy in November 2004 to set out the background to the British Library's acquisition of the scrolls with a view to opening a dialogue with the Government of Afghanistan on the issues raised. I have attached a copy of the letter sent to Dr Abdul Wahab following, what was, a constructive meeting. To date the Embassy has not yet taken up the Library's offer to inspect the manuscripts *in situ*.



## British Library documents

The covering letter supplied with the documents notes that 'there appears to be no substantive contemporaneous documentation relating to the authorisation by the Library's senior management of the acquisition' or 'to the provenance checks that were undertaken at the time'. The letter also notes that the BL's interpretation of two exemptions in the Freedom of Information Act has caused several items of information to be redacted from the documents. The documents fall into two distinct groups. The first group dates from the period April to October 1994 and relates to the acquisition of the scrolls. The second group dates from August to November 1995 and relates to the negotiations that led up to the establishment of the joint British Library/University of Washington Early Buddhist Manuscripts Project (EBMP). A few miscellaneous documents were also supplied, including a letter written to the London embassy of Afghanistan in November 2004.

The earliest document is what appears to be an internal memorandum dated to 28 April 1994. It records that two pickle jars containing rolled-up birch bark scrolls had been deposited at the BL, followed by a further 11 jars containing similar scrolls. It also notes that discussions had taken place within the BL about the source of the scrolls and that concern had been expressed that the BL could 'run into political trouble with illegally exported material'. Various unspecified telephone and verbal enquiries into the scrolls' provenance had ascertained that they had probably been discovered in an inscribed pottery jar in Jalalabad, Afghanistan, and brought to the UK by a dealer (no name provided, henceforth Dealer 1). Once in the UK, the scrolls had been offered to another dealer (name redacted, henceforth Dealer 2), but the high asking price had caused him/her to refuse them. At a second meeting between the dealers, Dealer 2 had been alarmed at the damage caused to the documents over the intervening period — they had been soaked in some sort of liquid 'consolidant' and then packed in cotton wool in the pickle jars and sealed with brown adhesive tape. Dealer 2 had agreed to take two of the jars on approval to the BL, and subsequently the remaining 11. The BL then undertook tentative but ultimately successful conservation measures on scrolls from the first two jars.

A letter dated 9 May 1994 from the BL to presumably Dealer 2, though name and address have been redacted, asks if a donation agreement can be concluded. It also asks for a copy of a photograph of what remained of an earthenware pot carrying a Kharosthi inscription and confirmation that the pot would be part of the putative donation.

An internal e-mail exchange dated to 11 May 1994 seems to have decided the acquisition. The exchange repeated the account of provenance — the scrolls had been found in an earthenware jar carrying a Kharosthi inscription that had been dug up by a farmer near Jalalabad — but also noted that this account was simply what Dealer 2 had been told by another dealer, presumably Dealer 1, and that in fact the scrolls could have been found anywhere in Afghanistan, Pakistan or Tajikistan. This e-mail exchange also reveals that Dealer 1, who had brought the material to London, was Pakistani and at the time was doing regular business with Dealer 2. The advisability of accepting the manuscripts as a donation was discussed. Against acceptance was the fact that there were ownership claims outstanding against the BL by India and Pakistan for material in pre-1947 collections, and that in general the BL would not want to accept material that might have been smuggled out of an Asian country. In favour of acceptance it was argued that the prime consideration was to preserve the documents before they disintegrated further and to make them available to scholarship. The suggested solution was that, 'in the interests of scholarship', the BL should acquire the scrolls as a donation but be prepared to consider any future claims for restitution should it be clearly shown that they had been illegally exported.

An internal communication dated to 28 July 1994 reveals that Dealer 2 had bought the manuscripts from Dealer 1 for £10,000, and could not therefore afford to donate the material to the BL. Various purchase options were outlined. Subsequent documents make clear that because of their deficient provenance the BL was not prepared to purchase the manuscripts outright, but would be keen to acquire them as a donation from a benevolent third party 'sponsor'.

A letter dated 11 August 1994 approaches a potential sponsor (name and address redacted, henceforth Sponsor). It describes the manuscripts as being in the hands of a 'well-wisher', and em-



phasizes the BL's concern that the manuscripts should be properly conserved and made available to scholarship. No mention seems to have been made in this letter of the uncertain provenance and doubts over title, though one sentence has been redacted.

An invoice for £10,000 (presumably from Dealer 2) dated 1 September 1994 and addressed to the BL records that 'I confirm that we have full title to sell these scrolls'. There is nothing in the documents supplied by the BL to suggest that any other documentary proof of title was received. The fact that the invoice was addressed to the BL makes clear that the BL must have bought the manuscripts with money donated by the Sponsor, and did not accept them as a gift after independent purchase by the Sponsor, as originally intended. This transaction seems confirmed by a letter of 14 September from the BL to the Sponsor acknowledging receipt of a cheque for £10,000 that had made the purchase possible. Thus what had originally been offered to the BL as a donation was ultimately acquired through purchase.

The first group of documents is concluded by a 'Note for the file' dated 2 October 1994. This note recognizes that 'acquisition of items without clear provenance is contrary to the BL's accepted good practice in carrying out its collection development responsibilities as a publicly-funded national cultural institution. It can only be justified in very exceptional cases.' It goes on to state that the acquired scrolls did constitute an exceptional case, because of their brittleness and their urgent need for conservation (noting again the damage that had been caused to the scrolls by their storage and transport in the pickle jars), together with the fact that they were already in London. The note also confirms that attempts made by the BL to establish the provenance of the scrolls had been unsuccessful, but that they must have come from either eastern Afghanistan or western Pakistan (the territory of ancient Gandhara). The note also makes clear that the BL had by then explained the problem of provenance to the Sponsor, and that the Sponsor would not demand the return of his/her money should a future claim on the material by a foreign institution or country require their restitution. In November 2004 the *Art Newspaper* revealed that the Dealer 2 was Robert Senior and that the Sponsor was Neil Kreitman (Bailey 2004).

The first document from the second group is an internal note appropriately entitled 'Kharosthi manuscripts: update'. It records a preliminary meeting that had taken place in July 1995 between BL staff, Professor Richard Salomon of the University of Washington and a name-redacted individual, presumably Dealer 2, about the possible research and publication of the manuscripts. A name-redacted sponsor had agreed to part fund the work if the University of Washington would be prepared to match his contribution. Other possible sponsors were also discussed. The note records that during Professor Salomon's stay a name-redacted person, again presumably Dealer 2, had donated a 'fourth clay pot', suggesting that three other pots had by then already been accepted by the BL. The issue of provenance was only briefly touched upon with mention of 'the vendor's reference to Jelalabad'.

Another possible clue to provenance is offered in a study proposal for the joint British Library/University of Washington EBMP dated 2 October 1995 where the pickle jars that originally contained the manuscripts were identified more precisely as 'Pakistan pickle jars'. A heavily redacted sentence in this document also records that the BL had received another donation allowing it to buy four clay pots that were probably contemporary to the manuscripts, and that the Sponsor had by then donated £18,500.

A minute dated 30 October 1995 of a visit to the University of Washington by BL staff to negotiate the terms of the proposed joint EBMP reveals that a name-redacted private sponsor had pledged £75,000 to the project. An undated document that was probably written about the same time notes that the project sponsor was the same sponsor who had supported the purchase of the scrolls. By 15 November 1995 the project had been agreed.

An internal memorandum of 29 March 1996 records that the BL had purchased 26 potsherds inscribed in Kharosthi from a name-redacted person, as well as something referred to as Pot 5, which was presumably a fifth pot thought to accompany the previous four.

As already noted, the letter accompanying the BL documents states that there appears to be no documentation on record at the BL relating to provenance checks. The simple reason for this absence might be that no real provenance checks were made. In several of the documents,



when concerns are expressed about deficient provenance the suggested course of action is to ask Dealer 2 if more information might be forthcoming. No other checks are mentioned. Clearly there are people who know more about the trading history of the scrolls than is generally admitted, Dealer 1, for example, who brought the manuscripts to Britain, but no attempt seems to have been made to interview them, or through them to make further enquiries in Pakistan.

### **British Library press release**

On 26 June 1996 the BL issued the following press release announcing the establishment of the EBMP:

The British Library has acquired birch bark scrolls which are believed to be the earliest known Buddhist manuscripts. The Library was able to make the purchase with help from an anonymous donor.

The scrolls contain sixty fragments of about 25 texts from various parts of the Buddhist canon. They are written in Gandhari, the language of the ancient region of Gandhara (modern Afghanistan/Pakistan), an important centre of early Buddhism with links to East Asia along the Silk Route.

Birch bark is one of the most fragile mediums for writing on and the task of unrolling the scrolls was a delicate and complex one. The British Library's conservation experts at the Oriental and India Office Collections have now completed this work.

The scrolls are written in an ancient script 'Kharosthi' and Prof Richard Salomon, one of the world's leading Kharosthi experts, is leading a project to study the scrolls which he has described as being potentially 'the Dead Sea scrolls of Buddhism'.

The Early Buddhist Manuscripts Project has now been set up between the British Library and the University of Washington in Seattle — the British Library has digitised the birch-bark documents; and the university has created 2 post-graduate research assistantships to work on the project. There are plans for a series of publications over the next decade. The British Library has secured a further donation from the same source to support this research.

### **Preliminary publication**

The first publication of the EBMP was the preliminary publication of the BL scrolls which revealed more about their nature and the circumstances of their acquisition (Salomon 1999). The material comprises between 21 and 32 fragmentary birch bark scrolls carrying Gandhari texts written in Kharosthi (Salomon 1999, 20). The BL had also acquired four inscribed clay pots (pots A–D) and 26 inscribed potsherds (Salomon 1999, 15). The scrolls had arrived at the BL in 13 glass pickle

jars, but it is thought that they might have been discovered inside one of the clay pots (pot D). The basis for this surmise is a photograph said to have been taken in 1993 that 'became available' after the BL purchase (reproduced as Salomon 1999, pl. 5). It was not revealed where the photograph was taken, how it was known to have been taken in 1993, nor how it 'became available', though it has since been said to have been taken by Japanese antiquities dealer Isao Kurita in 1992 in Peshawar (Matsuda 2000, 99). Nevertheless, although the photograph was most likely taken at a point of transit rather than at the point of discovery, it was taken as evidence that the scrolls had been discovered in pot D, though it was also accepted 'remotely' possible that the scrolls might have been placed together in the pot by the discoverer or a subsequent handler (Salomon 1999, 21).

No other evidence relating to findspot or find constitution was forthcoming. It is not certain that all or any of the pots were found together, and indeed from the inscriptions on pots B and C it seems that they were discovered at different sites (Salomon 1999, 153). After full consideration and evaluation of all the information made available to him, Salomon's tentative verdict on provenance — and he was careful to say that it is provisional — was that the scrolls probably originated in a Buddhist monastery located on the Jalalabad Plain in eastern Afghanistan, possibly in the neighbourhood of the village of Hadda (Salomon 1999, 20, 83, 177, 181).

### **Discussion**

The archaeological case for not acquiring and studying unprovenanced artefacts is based upon two arguments. First, the artefacts' reliability and value as historical documents are hopelessly compromised by the destruction of contextual relations and associated material that their unrecorded extraction has caused. Second, their acquisition and study will create or sustain a market conducive to further unrecorded and destructive excavation. Thus any knowledge gained through the acquisition and study of unprovenanced material is inherently unreliable and outweighed by the loss to knowledge caused by the circumstances of its extraction and the consequences of its study. In the case of written materials, however, the first argument could lose some of its strength, as the artefact or document



might in itself contain historical or linguistic information whose reliability and value are not compromised by the absence of find context. The Rosetta Stone is the classic example. Thus when considering the acquisition of unprovenanced written material it would appear that there are two questions that need to be answered. First, does the intrinsic information contained in the document outweigh what has been lost through its excavation and trade? Second, is the acquisition likely to legitimize or otherwise promote a market in the material in question?

Non-specialists are not in a position to judge the historical or linguistic importance of the BL Kharosthi manuscripts, but it is hard to escape the impression that they are in fact a bit of a disappointment. In the BL's June 1996 press release reproduced above, Salomon was quoted as saying that he thought the scrolls might potentially be 'the Dead Sea scrolls of Buddhism'. An internal BL document dated 18 October 1996, however, was less optimistic, suggesting that 'they are unlikely to revolutionise Buddhist studies in the way the Dead Sea Scrolls pushed back the date of a Hebrew bible and enabled the reconstruction of the pre-Christian history of Palestine'. This downbeat assessment was later echoed by Salomon, when with the benefit of preliminary study he stated that 'The survey of the new fragments carried out to date ... has revealed nothing that is startlingly at odds with early Buddhist doctrine as previously understood, nor is there much reason to expect that further analysis will turn up anything that will be' (Salomon 1999, 9).

But if it is hard to assess the real significance or importance of the scrolls, it is no easier to ascertain what material damage might have been caused by their recovery and trade. It is clear that the scrolls were damaged by their transfer into the pickle jars and during their subsequent transport. Another photograph said to have been taken in 1993 of a fragment out of pot D showed several lines of text that no longer survived when the fragment was studied after its acquisition by the BL (Salomon 1999, 21, pl. 6). There was also a large amount of 'debris' recovered from the jars, said to be significant for study of two of the scroll fragments (Salomon 1999, 52). It was also discovered, however, that the scrolls had probably already suffered damage before being buried in pot D, so it was not possible to ascertain from the

surviving fragments what had been lost prior to original deposition, and what had been lost since (Salomon 1999, 70). Some idea of what might have been lost during their excavation can be gained from an interview conducted by the NRK programme with a shepherd near the Pakistani town of Gilgit. He told of the devastation caused on the ground by one gang of looters who had visited his area looking for ancient manuscripts — pots were broken into pieces to retrieve manuscripts and more than 500 manuscript fragments were left behind scattered on the ground (Lundén 2005, 5). No doubt this scenario has been repeated at many sites in Afghanistan, including wherever it was that the BL scrolls were discovered. It is impossible to estimate how many manuscripts have been destroyed, or what archaeological and architectural damage accompanied their extraction. The Buddhist site of Hadda itself and its museum are said to have been destroyed by a combination of fighting and looting in the 1980s (Lee 2000). The Buddhist literature and the monastic landscape of Gandhara have no doubt both suffered grievously during the hunt for saleable manuscripts, but just how grievous the damage actually is will only become clear when the political situation normalizes and it becomes possible once more for archaeological projects to work in the area and to assess the damage.

In its statement the BL does not address archaeological concerns about the destruction of context and material or about the economic nexus of its acquisition. Instead the acquisition is justified by reference to the so-called 'rescue argument' — the scrolls would have disintegrated if the BL had not moved to acquire them, and as a positive result of the BL's intervention they have now been expertly conserved and made available to the scholarly community. No assessment is made of what damage might have been caused by the initial recovery and subsequent trade of the scrolls, nor of the effect on the market of their acquisition, or of how scholarship may have suffered in consequence. The BL develops the rescue argument further in a letter dated 22 November 2004 to the Afghan Embassy in London that makes reference to the BL acting in a 'world stewardship' role by providing a 'safe haven' for the manuscripts. These are concepts that are glaringly absent from the new DCMS due diligence guidelines for museums, libraries and archives on



collecting cultural material (DCMS 2005). The basic principle underpinning these guidelines is clear. Museums (including libraries) should only acquire material if it is legally and ethically sound (DCMS 2005, 4). While these guidelines have no retrospective force it is clear that in future the BL should not use the 'rescue argument' as a justification for acquiring any material with such a dubious provenance.

The BL statement also reveals an interesting ethical twist of the rescue argument when it describes Dealer 2, who mediated the acquisition, as 'reputable'. It seems a curious use of the term to describe a dealer who approached the BL with material he believed to have been smuggled out of Afghanistan, but when the dealer is considered to have taken part in a 'rescue' his reputation remains intact and is even enhanced.

The most controversial allegation of the NRK programme, however, was that the BL acquisition triggered off a campaign of looting in Pakistan and Afghanistan. The allegation was based on the testimony of a London-based Pakistani smuggler, who claimed that when manuscripts were first discovered in Afghanistan, it was not certain that there was a market for them. In the past looters had been intent on recovering sculpture and artefacts for the 'art' market, and manuscripts were something new. He maintained that this situation changed after the BL acquisition when manuscripts had come to be targeted too. The NRK allegation can probably never be verified, though there is independent confirmation that the BL's acquisition prompted the Norwegian collector Martin Schøyen to start assembling his several thousand Buddhist manuscripts including 238 fragments written in Kharosthi script (Matsuda 2000, 99).

It is clear that the BL manuscripts probably comprised the first large collection of its kind to appear on the market in recent times. With the exception of a single manuscript that was discovered in 1892, at the time of their acquisition the BL scrolls constituted the only known corpus of Gandharan Buddhist literature. Since then, a lot more material has appeared, including the Schøyen collection, and, interestingly, the so-called Senior collection of 24 birch bark scrolls or scroll fragments also in Kharosthi script. These scrolls are the property of Robert Senior and are said to have been found inside an inscribed clay pot that may have been discovered in or

around Hadda, although the exact provenance is unknown (Salomon 2003, 73–4). On its website, the EBMP estimates that the amount of material it has available for study has 'approximately tripled since the project began in 1996'.

But the fact that the BL collection was acquired before those of Schøyen and Senior and apparently heralded a flow out of Afghanistan of Gandharan manuscripts does not in itself prove that the BL created the market. As noted above, archaeological sites around Hadda were looted in the late 1980s, and if manuscripts first began reaching Britain soon after that time they might have been sold anyway without the BL's acquisition. Nevertheless, for some collectors and institutions the BL must surely set a legitimizing example, and if it had acted firmly when first offered the scrolls by publicly rejecting their acquisition and denouncing the illegal removal of manuscripts from Afghanistan, it would surely at least have exerted a dampening effect on the market. By failing to take such timely and decisive action it is probably true to say that the BL is at least partly responsible for what presently seems to be a buoyant market in smuggled manuscripts.

Another worrying consequence of the BL's acquisition might be its role in the establishment and continuing support of the EBMP, which has now turned into a small academic industry for processing unprovenanced manuscripts from Afghanistan or Pakistan. While the scholarship and industry of the EBMP are beyond reproach, it appears to be working in an ethical vacuum. Its website claims that the project has 'placed the highest priority on publishing the manuscripts as quickly as possible without compromising appropriate scholarly standards', but nowhere is there any consideration of the ethical implications or material consequences of studying material that has in all probability been removed illegally out of Afghanistan.

It is not clear what involvement the BL currently has with the EBMP, and whether it is continuing to provide financial or expert support. It is known that the so-called Senior collection which is being studied by the EBMP was conserved at the BL (Salomon 2003, 74), presumably sometime after 1994, though it has not been made public whether this was a commercial arrangement or in any way connected to the BL's acquisition of its own scrolls. It is now



government policy in the UK that libraries should not acquire or borrow material that has been illegally excavated or illegally exported since 1970 (DCMS 2005, 4)<sup>1</sup>, and if the BL is continuing to support the trade in such material by contributing money or expertise to the EBMP, or facilitating such support, it should stop immediately.

As a result of the NRK programme, in November 2004 the BL approached the Afghan Embassy in London and indicated that it would be prepared to return the scrolls to Afghanistan if the Afghan government could 'evidentially substantiate' a claim for restitution. But it is clear that for the purposes of scholarship the BL and the EBMP have already been happy to accept an Afghan provenance. The BL is wrong to claim in its statement that the current scholarly position is that there is no reliable information available as to the provenance of the scrolls. The Salomon quote the BL statement provides is incomplete. The complete relevant section of text is as follows:

No reliable information is available as to the circumstances, location, and date of the discovery of the manuscripts and associated materials. This is highly regrettable, as the loss of a proper archaeological context seriously diminishes their scholarly value. To a certain extent, however, this damage can be undone, since some of the missing information can be partly reconstructed through comparative research. A few of the relevant points concerning this are introduced briefly in this section, and these issues are discussed at greater length in the relevant places in the following chapters.

As to the original provenance of the jars and scrolls, oral reports, received indirectly, suggested that they had come from Afghanistan. Although such reports are by no means necessarily reliable, subsequent analysis of these relics has confirmed that they are very likely to have come from eastern Afghanistan. The abundant Buddhist stupa sites in the Jalalabad Plain (the ancient Nagarahara) and particularly those in the neighbourhood of the village of Hadda have yielded many specimens of both inscribed jars and Buddhist manuscripts in Kharosthi script that seem closely to resemble the new materials, although few of the former and none of the latter have ever been properly published. Thus, as will be discussed in sections 3.2 and 3.4, the new relics can be presumed to have come from somewhere in this region, possibly from the Hadda area itself. Given the difficult conditions that have prevailed in this area for many years and continue to do so as of this writing, it has been impossible to investigate the matter on-site or even to obtain any kind of reliable information about it, so that for the foreseeable future at least, we must be content with this circumstantial but highly probable hypothesis.

Thus the current scholarly position is that it is highly probable that the scrolls came from Afghanistan and indeed they are currently listed on the EBMP's website with a 'Hadda' provenance. The government of Afghanistan should not be asked to 'evidentially substantiate' what has already been accepted for the purposes of scholarship, and the BL should start negotiations now to arrange for the return of the scrolls to Afghanistan when conditions permit, or at least as an interim measure to transfer title.

The looting and destruction of archaeological sites are now common accompaniments of modern warfare, and the fate of cultural material from war zones that is thrown up on the international market, particularly the fate of written materials such as the Buddhist manuscripts from Afghanistan that are the subject of this paper, continues to pose problems for the international community. The BL chose to 'rescue' the Kharosthi manuscript fragments by buying them, but it has since been criticized for that decision on the grounds that its purchase might have exacerbated an already parlous situation.

The archaeological perspective developed during this paper is that it cannot be known what has been lost to scholarship as a result of the scrolls' extraction and trade and thus the value of what has been 'saved' by their acquisition cannot be judged. But there is also a public security dimension. The NRK programme alleged that one Pakistani antiquities dealer then living in London had in the past dealt in guns and drugs and had subsequently maintained contacts with the Taliban regime, exchanging weapons for artefacts (Omland in press). Links between artefact looting and the mujahideen and other armed groups in Afghanistan have been known since at least the mid-1990s (McGirk 1996; Lee 2000), 'most notably in the east near the Hadda museum' (Dupree 1996, 47), and it has since been claimed that within Afghanistan the purchase and subsequent sale abroad of looted antiquities is being used to launder drugs money (Kluyver 2001). To be fair, back in the early 1990s the BL was probably unaware of these possible connections between the drugs, weapons and antiquities trades, but unfortunately today when considering an acquisition of unprovenanced material the exercise of due diligence must extend beyond ensuring the legitimacy of an object to investigat-



ing the affiliations of dealers and the destination of any money that may change hands. It is not clear from the documents supplied by the BL if the name of Dealer 1 is known to them, whether he might be the same dealer identified in the NRK programme, or if the BL is aware of who his principals might be in Pakistan and Afghanistan.

The BL has consistently defended its acquisition of the scrolls by claiming to have acted in the interests of scholarship. But there are scholars interested in subjects other than Buddhist literature, subjects that are arguably more socially relevant. The cultural and material damage caused by the extraction of the scrolls and the legal, economic and social contexts of their trade and reception are all legitimate areas of study for archaeologists, sociologists, criminologists and lawyers, and by failing to enter into a full and open debate about the circumstances of their acquisition the BL has in effect helped to stymie scholarship. If the resources that have been expended on the conservation and study of Buddhist manuscripts recently moved out of Afghanistan had been used instead to investigate their trade, the interests of scholarship and of the public would both have been better served.

## Note

1. The British Library is recommended in the DCMS guidelines as a source of specialist advice on the issue of due diligence despite its reluctance to engage in discussion about the acquisition of the Kharosthi manuscript fragments.

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## In the News

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### Robert Hecht and the Getty

On the 16 November 2005 in Rome, antiquities dealer **Robert Hecht** and J.P. Getty Museum curator **Marion True** were charged in court with **conspiring to receive stolen art** and, in the case of Hecht, with the **illegal export of antiquities**. The charges arise out of evidence obtained during the investigation of Italian antiquities dealer **Giacomo Medici**, who was himself convicted in December 2004

of receiving and illegally exporting stolen antiquities ('In the News', *CWC*, Issue 16). The court reconvened in December and dates were set for further proceedings in 2006 (M. Lufkin, 'Ex-Getty antiquities curator appears in Italian court', *Art Newspaper*, December 2005). The trial itself, however, was largely overshadowed by the associated media furor as internal Getty documents and evidence produced in court during the trial of Medici were made available to the press, including a handwritten 'memoir' of Robert Hecht, seized during a raid on his Paris apartment in 2001.

In September 2005, the *Los Angeles Times* gained access to hundreds of pages of what



the J. Paul Getty Museum described as stolen documents. The documents offer insights into Getty acquisitions and acquisitions policy as far back as 1985 (J. Felch & R. Frammolino, 'Getty kept items to itself in probe', *Los Angeles Times*, 2 September 2005; J. Felch & R. Frammolino, 'Getty had signs it was acquiring possibly looted art, documents show', *Los Angeles Times*, 25 September 2005).

In one 1985 memo the then acting Curator of Antiquities Arthur Houghton wrote that three objects under consideration for acquisition from Maurice Tempelsman had been excavated illegally in Italy and passed onto the market through Medici before being bought by Tempelsman through the mediation of Robin Symes and Robert Hecht. Despite this knowledge, the Getty acquired the objects for \$10.2 million. When contacted by the *Los Angeles Times*, Deborah Gribbon, who was the Getty's deputy director at the time, defended the acquisition on the grounds that the information offered in the Houghton memo could not be verified and that at the time patrimony laws were little known and seldom enforced. One year later, in 1986, Houghton resigned his position in protest over the Getty's acquisitions policy and what he called 'curatorial avarice'.

In a 1987 document the then CEO of the Getty Trust, Harold Williams, described Robin Symes as a 'fence', though Williams now says that it was a hypothetical characterization adopted during discussions that preceded the 1987 adoption of the Getty Museum's first formal acquisitions policy. Nevertheless, despite this policy, in 1988 the Getty paid Robin Symes \$18 million for a 400 BC south Italian or Sicilian statue of Aphrodite, with the minimal provenance of a Swiss private collector (See 'Aphrodite', *CWC*, Issue 11).

In 1996, the Getty acquired the Fleischman collection. The documents show that the Museum paid \$20 million for 33 pieces and received the remainder as a donation valued at \$40 million. Most of the objects in the Fleischman collection had no provenance, and many had been obtained through Medici, Hecht and Symes. The Getty returned three of

the Fleischman objects to Italy in 1999 after it was discovered that they had been stolen from an excavation storeroom ('In the news', *CWC*, Issue 4).

On the basis of evidence assembled during the investigations of Medici and Hecht, Italy is now demanding the return of 42 allegedly stolen objects from the Getty, including a further 11 objects from the Fleischman collection. The *Los Angeles Times* claims that an internal Getty review in 2001 discovered that as many as 82 objects had been acquired through Medici, Hecht and Symes, despite doubts about their honesty that had existed at least since the 1985 Houghton memo. The *Times* also claims that the same review discovered some potentially incriminating documents, but that they had not been made available to the Italian prosecutors, despite a Getty claim of full cooperation.

In reply to the *Los Angeles Times'* allegations, the Getty stated that it had never knowingly acquired an object that had been illegally excavated or exported illegally from another country.

In 1995 the Getty adopted a revised acquisitions policy, and there is no evidence in the published documents that the Museum has since acquired anything in contravention of that policy.

In October 2005 Marion True resigned her position as Curator of Antiquities at the Getty for reasons totally unconnected to the Italian trial. In 1995 she had bought a holiday home on the Greek island of Paros with a \$400,000 loan obtained with the help of Christos Michailidis, partner of long-time Getty supplier Robin Symes. The loan was judged to have contravened Museum rules on possible conflicts of interest (R. Frammolino & J. Felch, 'Getty curator resigns in loan flap', *Los Angeles Times*, 3 October 2005).

Hecht's memoir seized in 2001 apparently contains a new account of the provenance of the famous Euphronios krater, which was sold by Hecht to the Metropolitan Museum for \$1 million in 1972 (J. Felch & R. Frammolino, 'Italy says its proven vase at Met was looted', *Los Angeles Times*, 28 October 2005). At the time, Hecht said he had bought the krater



from a Lebanese dealer and that it had been in Lebanon since before World War Two (and thus before the enactment of Italy's 1939 patrimony law). However, in his memoir, Hecht recounts that he bought the krater from Medici for \$380,000, although both Medici and Hecht now deny that this was actually the case. Hecht claims it was a fiction designed to increase the memoir's saleability. The Italian prosecutors also have a sworn statement from Marion True that Dietrich von Bothmer, former curator at the Metropolitan, once showed her on an aerial photograph the location of the Etruscan tomb at Cerveteri where the krater was found, an occasion denied by von Bothmer.

The Italian authorities also claimed to have identified pieces sold illegally by Medici through Sotheby's at several museums (V. Silver, 'Smuggling ring used Sotheby's 110 times, Italian probes show', *Bloomberg.com*, 4 November 2005). The museums are:

- Metropolitan Museum of Art (8 pieces, including the Euphronios krater)
- Boston Museum of Fine Arts (22 pieces)
- Princeton University Art Museum (1 piece)
- Cleveland Museum of Art (1 piece)
- Toledo Museum of Art (1 piece)
- Ny Carlsberg Glyptotek (6 pieces)
- Munich Antikensammlungen (2 pieces)
- Miho Museum (1 piece)
- A Tokyo museum (2 pieces)

Many of these pieces appear on Polaroid photographs seized during the 1995 police raid on Medici's warehouse showing what appear to be freshly excavated artefacts. Further pieces known from the photographs have been identified at the Boston MFA and the Minneapolis Institute of Arts (J. Felch & R. Frammolino, 'Several museums may possess looted art', *Los Angeles Times*, 8 November 2005).

When contacted about these allegations, the Metropolitan, Boston and Princeton claimed to comply with guidelines drawn up by the Association of Art Museum Directors (V. Silver, 'Tomb-robbing trials name Getty, Metropolitan, Princeton Museums', *Bloomberg.com*, 31 October 2005).

In further response to the Italian allegations, the Boston MFA stated that it had acquired through purchase or donation 116 objects from Robert Hecht, the last piece in 2004 as a gift in honour of the retiring curator John Herrmann, and that it intended to contact the Italian authorities about the material in question (G. Edgers & S. Celeste, 'Case in Italy suggests MFA received stolen art. Museum says it received no proof', *Boston Globe*, 4 November 2005; G. Edgers, 'The MFA is approaching Italian authorities', *Boston Globe*, 5 November 2005).

On 10 November, three objects (a sixth-century BC tombstone from the Sicilian Greek settlement of Selinunte; a krater from Paestum dated to about 340 BC; and a bronze Etruscan candelabrum) arrived in Italy from the Getty. They had been on the list of 42 objects that Italy wants returned, and were returned by the Getty voluntarily (V. Silver, 'Three "illicit" antiquities from Getty Museum returned to Italy', *Bloomberg.com*, 10 November 2005).

On 22 November, the Metropolitan's director Phillippe de Montebello met with Italian government officials to discuss Italian claims on 22 objects in the Metropolitan's collection: the Euphronios krater, 6 other pots, and the Morgantina silver, a collection of 15 pieces of silver thought to have been removed illegally from the site of Morgantina in Sicily. A draft agreement was announced whereby the Metropolitan would cede title to Italy of any object for which there is incontrovertible evidence that it was illegally excavated in Italy. If an object was to be returned to Italy, Italy would provide on loan an object of equal importance (E. Povoledo, 'The Met may settle with Italy', *New York Times*, 24 November 2005). Incontrovertible evidence might, however, be difficult to come by. Writing for *Bloomberg.com*, Vernon Silver suggested that apart from the Euphronios krater there is in fact little direct evidence to link the six pots identified on the Medici photographs with illegal excavations in Italy ('Italy lacks proof Met's antique pots were looted, papers show', 30 November 2005).



On 23 November it was reported that Greece was about to join the fray by launching legal action against the Getty for the return of four pieces said to have been exported illegally (R. Frammolino & J. Felch, 'Greece vows legal action against Getty', *Los Angeles Times*, 23 November 2005).



## UK

- *December 2005*: New **due diligence guidelines for museums**, galleries and libraries were published by the UK government. They are available on the Internet at [http://www.culture.gov.uk/NR/rdonlyres/721E9365-38BE-4AF8-BF8D-BE5B4BF8B21C/0/CombatingIllicitTrade\\_v5.pdf](http://www.culture.gov.uk/NR/rdonlyres/721E9365-38BE-4AF8-BF8D-BE5B4BF8B21C/0/CombatingIllicitTrade_v5.pdf).
- In an interview with *Archaeology* magazine (April 2005) **Roger Atwood**, author of *Stealing History: Tomb Raiders, Smugglers, and the Looting of the Ancient World* (New York: St Martin's Press, 2004) describes how he **first came into contact with archaeological looting** in the early 1980s, while working on a dig on the Channel Island of Guernsey, UK. During that time he and other archaeologists were required to sleep in tents on the site to protect it from coin hunters.
- In October, Vernon Silver of Bloomberg.com interviewed **Doreen Stoneham**, who directed Oxford University's Research Laboratory for Archaeology and the History of Art's thermoluminescence authentication service from 1970 to 1997. She recalled being **flown out to Switzerland in the mid-1980s by two Italian tombaroli** to sample for testing an Etruscan sarcophagus that had been discovered in Italy. She suggested that such practices were 'OK at the time' (V. Silver, 'Tomb-robbing trials name Getty, Metropolitan, Princeton Museums', Bloomberg.com, 31 October 2005).



## Latin America

- In September the **World Monuments Fund** launched a **large-scale conservation project for seven Precolombian sites** on the Yucatán Peninsula, Mexico. One aspect will focus on arresting the destabilization of structures caused by years of looting at Ek Balam.
- **Two Mayan stone tablets**, discovered in a looters trench at the site of La Corona, northern Guatemala in April by archaeologist Marcello Canuto, **may be further proof** that the site is 'Site Q'. Over the last 40 years, scholars have speculated as to the location of Site Q as large numbers of antiquities taken from its carved monuments have appeared on the art market.
- After a two-month investigation working with Florida police, US Immigration and Customs Enforcement made their **largest ever seizure of 322 Precolombian artefacts** (including gold jewellery, pottery and textiles). One arrest was made in Miami.
- After a trek to archaeological sites in the **highlands of Peru**, explorer Sean Savoy spoke out about **damage caused by looting**. In an interview with the Associated Press (6 September 2005, MSNBC.com) he said that at Gran Saposoa, a Chachapoyas metropolitan complex north of Lima, a carved stone head had been hacked from an important structure and at another site, previously unknown to the scientific team, more than 50 stone cut tombs had been wantonly destroyed with picks and axes.
- In August 2005, Customs and Border Protection officers at Columbus port, New Mexico, discovered **two metates** (grinding stones, dated to c. AD 1200–1450) in the boot of a 1997 Chevrolet Suburban passing from **Mexico to the US**. The ancient objects were wrapped in blankets under other items. The driver, a man from the Midland-Odessa area said that he had found



them, and was not charged with possession of stolen property as officers would have to prove he was aware he was committing a crime. The metates were returned to the Mexican Consulate in El Paso.



## Iran

- *The Guardian* (14 November 2005) reports on **escalating tension between farmers in the hills of Khuzestan, southern Iran and the Cultural Heritage Department**. The area is believed to be the site of the ancient Persian city of Jondishapour, which authorities would like to excavate and promote as a symbol of national pride. Not only have plans to acquire farmland by compulsory purchase and to place bans on cultivation inflamed local opinion, but feelings are running high since criminal charges have been pressed against dozens of farmers for allegedly damaging parts of the site digging for antiquities to sell. Cultural Heritage officials claim looting is rife, an argument strengthened by the frequent posting of advertisements for metal detectors in local towns and villages.
- Archaeologists at the **ancient cemetery of Tul Ralesh in Gilan Province** are struggling to work out **how many illegal excavations** are happening at the site since looters have discovered a new way to work. According to director Mohammadreza Khalatbari, the **robbers are tunnelling between graves**, so that one looter's pit can lead to five or ten other graves. He believes they are dealing with professional looters at the site, who will only be stopped when a permanent police presence is made available (see Mehrnews.com, 25 October 2005).
- **October 2005: Tehran police announced the seizure of 24 Achaemenid (first-millennium BC) items**, which had been sold to smugglers for transfer abroad. The objects, recovered from the 'bāgh-e Feyz' district, included a remarkable book made of eight

pages of gold inscribed with cuneiform, a gold statuette of an ibex, gold and bronze jewellery and buttons, stone and bronze statuettes, two stone spindle whorls, and some silver items. The farmer who allegedly found the treasure while ploughing in Rudbār was also arrested.

- **Oscar White Muscarella**, in an article in the *Bulletin of the Asia Institute* 15 (2005, 173–98) **summarizes the published and other sources currently available regarding** the recently discovered **ancient Jiroft culture**, Iran, and its plunder (see 'In the News', *CWC*, Issue 15). He suggests that lack of clear information about the circumstances of confiscation of 'Jiroft' material is hindering study of the assemblage, and that forgeries could have entered the corpus in Iran before material was smuggled out of the country.
- Ali Mahforuzi, **director of the Cultural Heritage Center, Mazandaran province, northern Iran, has recorded unprecedented levels of illicit excavation** in the area. He says (Cultural Heritage News Agency, 30 July 2005) that in one 1000 m<sup>2</sup> area, evidence of more than 250 illicit excavations was found, and a staggering 100,000 were discovered and recorded in a 100-kilometre stretch from the provincial capital, Sari, eastwards. He warns that more sites will be harmed if cultural heritage guards do not start protecting the area.



## Former Yugoslav Republic of Macedonia

The **Directorate for Protection of Cultural Heritage** in Macedonia says that **illegal excavation has escalated to alarming levels** in the country, especially since independence in 1991 (see *Balkan Crisis Report*, No. 575, 16 September 2005).

- Between 1995 and 2003 around 2500 artefacts stolen from the Iron Age site of Isar



Marvinci, southeastern Macedonia were recovered, presumably a tiny proportion of what has been lost.

- Archaeologist Vikto Lilcic thinks that there is not an ancient site of the 5000 or so in the country not damaged by looters.
- Even a small item of Iron Age Macedonian bronze can make €1000 on the black market, and first- to seventh-century jewellery and coins are also in demand.
- The Interior Ministry has filed charges against nationals from Greece, Serbia and elsewhere.
- The authorities are hampered by legal loopholes, understaffing and lack of equipment.



## Italy

- **71 artefacts were recovered by police** from two locations in the city of **Porto Torres**. One group of objects (including millstones, pestles and farming implements) seems to have come from a large and organized Nuragic settlement (c. 2000 BC) and shows signs of damage caused by large-scale farm machinery, despite the fact that such sites are in theory protected by law. The other objects included pieces of marble friezes from an imperial Roman temple, coins, and tombstones. According to AGI (30 November 2005), judging from the pedestal marks on its base one item, the bust of an imperial woman, may have been **stolen from a museum**.
- In June 2005 police in Verona recovered around 3000 Roman artefacts (including coins and jewellery) during a series of raids. They are believed to have been illegally excavated from sites in Italy and Bulgaria.
- *September 2005*: Roman police announced their belief that the **removal of a piece of carving from the 'Fontana della Navicella'** (Little Ship Fountain) near the Colosseum — an apparent act of vandalism — was in fact a **commissioned art theft**.

Thieves broke off and stole several pieces from the fountain, including the boar's snout-shaped prow of the carved galleon. One of the pieces was **later found in a plastic bag** in the south of the city. Had it not been broken, it may have been worth up to €4000 on the black market. Similar thefts have been reported in recent months, and pieces have been found following tip-offs (see ANSA.it, 21 September 2005).

- *October 2005*: **Italian police** said that, acting on a tip-off from archaeologists in Rome, they had **arrested five alleged tomb robbers and/or collectors** in possession of 600 ancient artefacts and traced around **3000 more illicit antiquities to the Linz home** of an 82-year-old Austrian tour guide nicknamed 'Mozart', who they allege employed the five. He was not arrested due to his advanced age. The objects were said to originate **mainly from sites around Rome** and include gold, silver and ceramic objects, marbles, bronzes, and large Etruscan vases. In a video of the raid, officers were seen digging up bin bags containing dozens of vases. The tour director claimed his pieces were merely sherds, and had been bought at fairs during his 40-year career.



## India

- *December 2005* (Free New Mexican): **28 ancient Jain idols**, from among 53 which were stolen from Sri Digambar temple at Hansi in October, were **recovered and a man arrested at Bhiwani**. The accused man, who was on bail for attempted murder and allegedly also in possession of illegal arms, said that he had planned and executed the robbery with three friends he had met in jail, and that they had intended to sell the idols to international smugglers.
- The **Archaeological Survey of India (ASI)**, as part of their **efforts to curb antiquities smuggling**, are planning to **document unprotected monuments** in a country-wide



heritage mapping project. A data base of antiquities in state and private possession will also be drawn up and is also expected to be a useful tool.



## Provenance problems

*The Christian Science Monitor* (7 November 2005), reporting on **pressures facing museums in the light of current high-profile cases** concerning acquisition of allegedly illicit antiquities (see Getty case), relates a case study from dealer **Hicham Aboutaam** of Phoenix Ancient Art. An 80-year-old woman arrived at their offices offering for sale two items which she said her step-father had obtained from the tomb of Tutankhamen. Although she had no paperwork to back up her claim, research by the dealers showed that the objects were genuine Egyptian antiquities — although not from that particular tomb — and that her step-father Frank Compton had been researching his Encyclopaedia in Egypt at the same time as the tomb was opened. The owner signed a **notarized affidavit** to this effect and with this documentation the pieces were sold to an anonymous major US museum.



## Iraq

- A local not-for-profit 'culture and environment' group in the city of Kut, southern Iraq, has **rescued 287 objects** looted from the local museum following negotiations with locals — mainly families living near the museum. Abdulridha Dawood said he hoped to **form similar groups** in other provinces and launch a **nation-wide campaign** to protect Iraqi heritage (Azzaman, 7 December 2005).
- In August 2005, **Iraqi police arrested 17 people in the town of Bathaa**, west of Nasiriyah, on charges of antiquities theft and smuggling.
- In October 2005, Iraqi minister for tourism

and antiquities affairs, Hashem Al Hashemi, **demanding an amendment to the country's draft constitution** to bring Iraqi cultural heritage under central government protection. The drafting committee argued that after thorough discussion, they had decided that local authorities should have responsibility for supervising and protecting antiquities and sites in their respective regions.

- According to the Institute for War and Peace report (No. 350, October 2005) **two men were arrested in Nasiriyah, Iraq in possession of seven ancient Sumerian artefacts**. Twenty-six others were also charged and fined in connection with the thefts.



## Israel

- *July 2005*, northern Israel: After two-months' surveillance and the **discovery of antiquities** (including coins, jewellery and ancient cosmetic utensils) worth thousands of dollars in his home, officers from the Israel Antiquities Authority (IAA) **questioned an Israeli Arab under police warning**. The man had been seen meeting suspected illegal antiquities dealers.
- Following a complaint from the IAA, Professor **Hanan Eshel of Bar-Ilan University was arrested in November 2005** suspected of buying pieces of a **Leviticus scroll** (Bar Kokhba period 132–135 CE) from three West Bank Bedouin for \$3000, and not reporting the purchase to the IAA. Eshel and a PhD student, **Roi Porat**, who was allegedly **shown the items**, were released after questioning. A third person, said to have provided funds, was also being questioned. The scroll has now been handed to the IAA. Eshel claims he bought the scroll pieces to save them, and had them photographed at a police laboratory afterwards, which the police deny.





## Investor concerns

- *Business Week* online (26 September 2005) reports:
  - That **dwindling supplies and rising demand** for antiquities which can be traded legitimately, caused by tighter controls and heightened awareness, have **pushed up prices in auction houses**.
  - Interest in **East Asian religion** and practices has also **increased demand for Asian antiquities**.
  - Selim Dere of Fortuna Fine Arts, New York says that **prices for Gandharan material have risen 25 per cent** in two years as it is hard to come by.
  - **Hicham Aboutaam** of Phoenix Ancient Art, New York, comments that people are surprised how **affordable antiquities** are compared to modern art and jewellery.
- In December 2005, following court action, businessman **François Pinault** was ordered to **pay Egyptologist Luc Watrin €26,000 (\$30,000) as unpaid fees for research** on a statue of Sesostri III bought by Pinault in 1998 for \$500,000, Pinault now believes the statue to be modern and has been fighting to get the sale annulled.

## Greece

- Giorgos Gligoris of the Hellenic Police Force's anti-trafficking unit spoke to the *Boston Globe* (11 September 2005) about **looting of underwater sites off the Greek coast**. He claims that some looters pose as wealthy tourists cruising on yachts, and that the rise of Internet auction houses has enabled criminal gangs to launder illicit antiquities. Katerina Delaporta of the Department of Marine Antiquities added that current availability of high-tech search equipment means that **thieves often beat state archaeologists to wrecks**. In face of the rise in thefts, however, state archaeolo-

gists have discovered 30 ancient wrecks in the past five years, which are now protected by coast guards, compared with five found in the previous decade.

- In October 2005, a **collector from Patras was charge with illegal trading in antiquities** when ancient coins (Byzantine, Roman, Venetian and Ottoman) were found by state inspectors at his city-centre antiquities store.
- *January 2006: Three Iranians were arrested by Greek authorities for allegedly attempting to sell three ancient Greek coins* for €17,000. Photographs of hundreds of similar coins were also seized, as well as a knife and some hashish.

## Bulgaria

- *December 2005 (Sofia News Agency): Two men from Silistra, Bulgaria, were caught by police trying to sell 61 ancient coins* to a man from Razgrad. During subsequent searches of apartments owned by the latter, further artefacts were recovered, including gold, silver and bronze coins, bronze ornaments and a piece of Thracian pottery.

## Spain

- Three commercial **divers from Britain who were arrested in Galicia, Spain** in May 2002 will face charges which could lead to six years imprisonment. They had won a contract to salvage 220 tons of tin from the nineteenth-century Dutch cargo vessel the Friesland, but are **accused of exploring the remains of the nearby wreck of a seventeenth-century galleon**, the Dom Pedro. Investigators found minimal disturbance and nothing of value missing from the sites, and the divers from Force 9 Salvage insist that the only items retrieved were of nominal value and for identification purposes.



## USA

- *The Daily Citizen* (20 August 2005) reports on the **connection between arrowhead hunting and methamphetamine abuse**. Arkansas County Sheriff Pat Garret says that he expects to find arrowhead collections whenever he is searching homes of suspected methamphetamine users. Methamphetamine user Toby Young suggests that the tedium and concentration required when hunting for ancient artefacts appeals to those who need something to focus on while high. He says he has spent 30 hours a week searching, and on some nights ran into a dozen or so others in the same situation. According to Young, collections are often traded among drug users and dealers although he sold his to collectors for \$1250 in order to raise lawyers fees.
- Arizona state archaeologists opened an investigation in December 2005 after **signs of looting were discovered in the floor of a twelfth-century pit house in Picture Canyon**, east of Flagstaff. They suspect that the looters were disturbed because they left behind a shovel and torch, and would have been unlikely to find artefacts as the site had been thoroughly excavated in the early twentieth century.
- 'In the News', *CWC*, Issue 14 reported that **Nickolas Greer of Kayenta**, Arizona was sentenced in February to three months' probation, including 180 days of home confinement whereas according to the February 24, 2004 press release from the United States Attorney District of Arizona Mr Greer was sentenced to three years probation as well as the 180 days of home confinement.
- In October 2005, the Washington Attorney General's Office **settled charges with Thesaurus Fine Arts prohibiting them from selling antiques in Washington** and requiring them to pay more than \$350,000 in penalties and costs. The settlement re-

quires that Thesaurus refund customers a possible \$100,000 to \$200,000 because they misrepresented the age, authenticity and value of ceramic items of Asian art sold through their Seattle store and on eBay. The Attorney General says the settlement sets clear standards, serves notice to all sellers that such misrepresentation is unlawful, and reminds consumers to 'do their homework' before buying such objects. (see [http://www.consumeraffairs.com/news04/2005/wa\\_antiques.html](http://www.consumeraffairs.com/news04/2005/wa_antiques.html)).

- In November and December 2005, SVA Sculpture Building, New York presented a **solo exhibition by Charles Vicent Sabba Jr.**



Photo: Charles Sabba

Designed as a '**visual investigation into the global art markets underworld**', it comprised oil paintings, sculptures, video and various mixed media. In the large street-front window space was an installation which recreated an illegal archaeological dig, with a harpy tearing pages out of a history book. Behind the 'dig' an oil painting featured another harpy, depicted as a parody of Marion True, and a dragon symbolizing the Italian police. Letters between Marion True and her co-defendant Robert Hecht surrounded the painting. Inside, another installation recreated a crime scene symbolizing the theft of the Euphronios krater and its subsequent sale to the Metropolitan Museum of New York.





## Cambodia

- In October, at Angkor Wat, **Heritage Watch** opened a **two-month exhibition to educate tourists** about the disastrous effects of looting and of buying illicit antiquities.
- Terressa David of Heritage Watch (AFP, 23 September 2005) says that **increased protection at Angkor Wat, together with sustained demand for Cambodian antiquities**, has meant that **looters have moved their activities to other temples and sites**. Especially hard-hit are poor regions along the Thai border, such as Banteay Meanchey province where whole cemeteries have been ransacked.
- Meanwhile, **Culture Cambodia** (30 September 2005) tells of a **community education programme** for villagers and schools in the vicinity of the temple of Phnom Chisor, north of Phnom Penh. Unlike similar sites, the building is more or less intact.
- In October, police and government officials expressed **concern at unabated looting of cemeteries in Banteay Meanchey and Oddar Meanchey province**. They say people from neighbouring districts have been ransacking graves for the last three years, but don't really make much profit and some make no money at all. The government argues that provincial authorities must do more to stem looting in their areas of responsibility, but *Cambodia Daily* (31 October 2005) reports the deputy police chief of Banteay Meanchey province insisting that looting is on the wane, while the deputy governor of Oddar Meanchey province claimed that illegal digging had stopped there since police arrested more than 30 looters in Banteay Ampil district in September. They were detained for two days to attend an anti-looting initiative.

## Ethiopia

*October 2005:* The **Ethiopian government publicized its ongoing efforts to stem theft and smuggling of the country's cultural heritage**. As well as a campaign to raise awareness among both tourists and locals, and increased vigilance, the Ethiopian Tourism Commission is working quickly to preserve and document important cultural objects as part of a \$5 million World Bank-funded scheme.

## Syria

**Antiquities stolen from Syria** three years ago were **recovered in November, 2005**, from two Syrians allegedly trying to smuggle them into **Germany from Switzerland**. The objects, dating from 2000 BC to the Ottoman era, included coins, jewellery, glassware, ivory tools, arrowheads, pieces of mosaic and cuneiform-inscribed plates. The haul has been returned to Syria where a committee has been formed to study them and they will be displayed in museums. Bassam Jammous, director general of Antiquities and Museum Department told *newsfromrussia.com* (<http://newsfromrussia.com/world/2005/11/07/67143.html>) that negotiations are underway to secure the return of other antiquities — four stolen mosaic tablets — from France.

## Egypt

- **Three Old Kingdom Egyptian statuettes were recovered during a police operation in Giza**. The statuettes were found to be missing after they were loaned to the Egyptian Museum for an exhibition. Two men who had been working as part of a team renovating the museum basement and so not subject to usual security checks, apparently made off with the objects. They circulated photographs to antiquities traders and were arrested by Tourism and Antiquities Police when, following a tip-



off, they sold them to an undercover agent for LE500,000.

- In August, **seven people were convicted for their part in a massive antiquities smuggling operation**, and three were acquitted ('In the News', *CWC*, Issues 13 & 15). Four of the seven, including a Swiss citizen and a German Egyptian, were convicted *in absentia*. Abdel Karim Abu Shanab, formerly head of a government department responsible for inspecting antiquities traders, was sentenced to life imprisonment for theft of records from the Supreme Council of Antiquities and facilitating the smuggling (by taking bribes and providing false certificates identifying genuine objects as fakes), as well as other sentences to run concurrently. The group are believed to have stolen around 57,000 items from state warehouses.
- In July 2005, the Supreme Council of Antiquities identified 22 **Internet sites advertising Egyptian antiquities for sale**, and 13 in October 2005. Items which had apparently gone missing from Cairo University's Faculty of Archaeology museum, the storehouse of the Faculty of Arts, and from an archaeological site at Marina on the north coast were offered for sale. Details were forwarded to Public Funds Prosecution.
- A draft of a **new Egyptian antiquities law**, which would replace the current Law 117/1983, is awaiting the approval of the People's Assembly (see *Al-Ahram Weekly*, 27 October–2 November, 2005, Issue no. 766). Under the terms of the new draft, **penalties for smuggling, stealing, hiding, collecting or owning authentic artefacts without permission will be doubled or tripled to range from 25 years to life imprisonment with hefty fines**. The new law will allow clemency in return for information about antiquities crimes that leads to convictions.
- An **alabaster block** inscribed with hieroglyphs and other carvings which was **stolen**

**from a tomb in the Valley of the Kings, Luxor, was returned to Egypt in July 2005**. Professor J. Graves of California State University posted the piece back with a letter explaining that he was returning it on behalf of his late friend, who had felt guilty about having taken it during a visit to Egypt in 1958.

- In October 2005 a **Briton was arrested in Egypt after Islamic manuscripts were found in his luggage** during check-in for a flight to Paris.



## Ethics

*ICOM News*, 2005, no. 3 is devoted to and entitled **Ethics and Heritage**. It includes articles on evolving perspectives, ICOM's fight against illicit traffic in cultural heritage, legal aspects, and international partnerships and the situation in Iraq. For more information go to <http://icom.museum/>.



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## A tainted temple bell from Cambodia?

JOS VAN BEURDEN

Each museum has its own ethical guidelines for acquiring objects. Many museums try to set an example, and the slightest doubt about the provenance of an object will cause its acquisition to be rejected. But sometimes a museum prefers to look the other way. That becomes easier when the Ethical Commission of the Netherlands Museum Association does not deliver proper advice.

In 2004 the Carillon Museum in the village of Asten in the Dutch province of North Brabant bought a second-century BC bronze temple bell from antique dealer Marcel Nies in Antwerp, Belgium. According to Nies, the 12 inch high bell comes from Battambang in Cambodia and shows characteristics of the Vietnamese Dong-Song culture. In order to be able to pay for the bell, the Carillon Museum applied for and received subsidies from the Brabant Museum Foundation and the Rembrandt Association. According to Nies, the bell had been exported to Thailand in 1969, in 2000 it had arrived in Italy and since 2003 it had been in Belgium. According to the Carillon Museum such bells can be purchased in Thailand without any problem, and permission to export an object like this from Thailand is not required. These bells are sold and sent all over the world. They can indeed be found for sale on the Internet.

The Brabant Museum Foundation was not certain about the acquisition. It therefore approached the Ethical Commission of the Netherlands Museum Association (NMA) and asked for it to check whether the museum had studied the provenance in a credible and careful manner. The Commission finally came to a positive conclusion

— ‘in this case illicit trade is out of the question’ — and advised the NMA to give a green light for the purchase. The Brabant Museum Foundation accepted the advice, and the Carillon Museum was able to go forward.

‘What more do you want?’ asks Dr André Lehr, former curator of the museum and responsible for the deal. ‘A prominent dealer and the positive advice of the Ethical Commission!’ Moreover, the bell is according to him ‘not part of the cultural heritage of Cambodia. It helps us to get to know other cultures.’ Lehr produces here his own definition of cultural heritage, as he explained to me: ‘Rembrandt’s *Nightwatch*, the Borobudur and Angkor Wat, yes those are cultural heritage, but not this bell.’

Yet someone who reads carefully the advice of the Ethical Commission could get an uneasy feeling. To start with, the year in which the object left Cambodia, 1969, raises some questions. It is according to the Commission ‘just before the date of the 1970 UNESCO Convention, which arranges the protection of stolen or unlawfully exported cultural heritage’. The year 1970 is often used as a watershed year: for objects acquired before 1970 no very difficult questions about provenance are asked, but for all acquisitions after that date provenance should be investigated. ‘Although the Commission is aware of doubts that could arise from the accidental succession of the dates 1969 and 1970, it has not been able to find a reason to doubt the information that has been offered by the dealer.’ Yet talking with Nies, he now says that the year 1969 is only ‘most probable’. He is not completely sure, ‘but I am not worried about it’.

A second question concerns the certainty with which it is asserted that no permission was needed for the export of the bell from Cambodia to Thailand. Upon inquiry with deputy director Hab Touch of the National Museum of Cambodia, which is responsible for the issue of export per-



mits, and Etienne Clement, head of the UNESCO mission in the Cambodian capital Phnom Penh, it appears that ancient objects cannot be exempt from licensing requirements. Based upon e-mail exchanges with both of them, it can be concluded that Cambodia has had, since the year 1925, a law which determines that art objects are only to leave the country with a permit. In 1925 Cambodia was a French colony and in the law a broad definition of 'art objects' is applied; thus André Lehr's assertion that the bell does not belong to Cambodia's cultural heritage is contestable.

Some experts doubt whether the 1925 law still is legally valid. In her 2004 study *Pillaging Cambodia: the Illicit Traffic in Khmer Art*, Masha Lafont states that the old laws have lost their validity, since they were abolished by the Khmer Rouge. Thanks to the cooperation of the UNESCO office in Phnom Penh, however, I have received a message from Tara Gutman, legal adviser of the Council of Ministers of Cambodia, who points to article 139 of the new Constitution of 1993 which determines that laws and standard documents 'shall continue to be effective until altered or abrogated by new texts'. Lyndel Prott, former Director of UNESCO's Department of Cultural Heritage and presently a law professor in Australia, confirms Gutman's interpretation. She writes: 'In my view the present government

may well regard the 1925 legislation as having remained in force and its lack of enforcement during the Khmer Rouge regime as simply due to the factual situation, rather than an abrogation'. In short, the Dutch museum could have, according to its own ethical code, acquired the ancient bell only if the Cambodian authorities had permitted it to do so.

At least one member of the NMA's Ethical Commission did not share the positive conclusion. This member argues that the museum never should have bought the bell. He 'would have been in favour of asking the opinion of the government of the country of origin in order to overcome the one-sidedness of the information available to the purchaser'. In the twenty-first century, it is a bit out of touch that neither the Carillon Museum nor the Ethical Commission have done so, particularly since Cambodia has had for years an active policy to curb the illicit trade in art and antiquities and to protect its own cultural heritage. Lafont mentions in her study 17 examples of smuggled objects that have been restored to Cambodia. That should have rung a bell.

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## 'Nobody gets off scot-free'

A review of *Thieves of Baghdad* by Matthew Bogdanos with William Patrick.

(New York, Bloomsbury, ISBN 1-58234-645-3)

DAVID THOMAS

Although President Bush declared that 'major combat operations in Iraq have ended'<sup>1</sup> on 1 May 2003, the suffering of the Iraqi people continues, with over 34,000 insurgent attacks in 2005.<sup>2</sup> Controversy persists, surrounding the justifications for the war, events during and after the conflict and the most appropriate way and time for the Coalition forces to disengage. The same can be said about the looting of the Iraq Museum, although *Thieves of Baghdad* attempts to set the record straight on the events between 8

April 2003 when the last staff left the Museum, and 16 April, when the US army's C Company secured the compound.

The book is authored by Matthew Bogdanos, (with William Patrick, whose contribution to the first person narrative is unclear). Bogdanos was the US Marine who, whilst heading a multi-agency counter-terrorism unit in Basra, rushed his team to Baghdad on hearing reports of the looting. With limited cooperation from all sides, they set about unravelling the complex sequence of events.

In the Author's Note, Bogdanos states that he dislikes people who go to war and write books about themselves — this book is a personal account 'with candor and without bias or agenda' (the author's emphasis), relating to a team effort and celebrating the courage of servicemen, Iraqis and journalists, amongst others. Considering



the selection of quotes on the book's dust cover, and its somewhat provocative title, this reader wondered whether the 'complexity' Bogdanos identifies in the Museum staff applies to the author(s) too.

Indeed, *Thieves of Baghdad* is far from being the staid forensic investigation of the events of nine days in April 2003 that it might have been. The tale deviates from initial impressions of the Museum in the first two introductory chapters, to Bogdanos's childhood in New York, a detailed eye-witness account of 9/11, and his active service in the subsequent so-called 'war on terror' in Afghanistan. Bogdanos then recounts his team's counter-terrorism investigations in southern Iraq (thus perpetuating the US administration's blurring of 9/11 and the invasion Iraq), before reaching the supposed heart of the matter, the looting of the Iraq Museum, by the end of Chapter 8. These contextual chapters undoubtedly offer much of interest to the contemporary and/or military historian, as well as the general reader, but little of relevance to the archaeologist, which, considering *Culture Without Context*'s *raison d'être*, was my primary focus in reviewing this book.

Given some of the antipathies running through *Thieves of Baghdad*, I should state my biases at this point — I was at the time, and remain, firmly opposed to the war in Iraq, and I am happy to place myself within the group of 'educated non-military skeptics' that the author holds in such contempt. That said, I have also experienced my home town (in Northern Ireland) being blown up by terrorists, although significantly fewer resources and less will-power were devoted by the USA to 'hunting down and smoking out' such operatives and their backers prior to 9/11.

My archaeological fieldwork in Afghanistan is somewhat less covert than Bogdanos's mission there, and I have never been to Iraq, although I have worked on data from excavations in Iraq. In March 2002, as part of the Nimrud Database Project, I proposed that the British School of Archaeology in Iraq (BSAI) should apply to the British Academy for funding to create a unified catalogue of all the objects from Nimrud, many of which are in museums and collections scattered around the world. This project would have included the collation of data on, and digital photography of, the Nimrud objects in the Iraq

Museum. For reasons I have never been able to ascertain, the BSAI decided not to back our proposal. When the Iraq Museum was looted a year later, the lack of accurate, up-to-date inventories and photographic records of many of the Museum's objects severely hampered the investigation.

Core to the central theme of *Thieves of Baghdad*, the looting of the Iraq Museum, are the following questions:

- What really happened between 8–16 April?
- Who was involved?
- How many of the objects were stolen and how many have since been retrieved?
- What can be done in future to curtail the illicit trade in antiquities?

Bogdanos's agenda, for every author has them, are to dispel the myths and inaccuracies surrounding the reporting of the looting, and to counter what he regards as the knee-jerk reactions of many prominent Mesopotamian archaeology scholars. Although he has already done this in a 50-page paper in *American Journal of Archaeology* 109 (2005)<sup>3</sup>, Bogdanos obviously felt the need to reach a more general audience, and to his credit he is donating the royalties from *Thieves of Baghdad* to the Iraq Museum.

The investigation's teasing out of the events in the Museum is thorough, as you would expect from a District Attorney of note. Bogdanos proposes a convincing theory that the crime scene encapsulated the theft of three different categories of objects ('marquee' items removed from the galleries; random thefts from the above-ground storage areas; and high-value, smaller items looted from the secured basement storage areas) and three different groups of perpetrators (professional thieves, targeting pre-ordered collectors' lists of prestige items; petty thieves and mob looters venting anger at institutions associated with the Ba'athist regime; and 'insiders', that is corrupt and/or coerced members of the Museum staff). In his professional life, Bogdanos states that he inhabits the binary universe of guilty or not guilty: 'No one is treated with suspicion, but everyone *is* a suspect until proven otherwise.' (p. 133, author's emphasis) — the concept of innocent until proven guilty does not seem to register, possibly because he is a prosecutor. It is also noteworthy that the book is riddled with references to 'the bad guys', although as early



as p. 14 he states that ‘Nothing hinders a good investigation more than trying to affix moral labels such as *good* or *bad*, *right* or *wrong*, to the actions or actors in the mystery you are trying to solve’ (author’s emphases).

Bogdanos also uses *Thieves of Baghdad* to repeat his stout defence of the actions of the Coalition’s ground troops during the ‘chaos of regime change’, reserving some of his most withering criticisms for journalist and archaeologist ‘armchair generals’ — an example of those in his sights is Prof. (sic.) Eleanor Robson, whose article in *The Guardian* of 18 June 2003 Bogdanos describes as being ‘wrong in every respect’ (p. 200), but the quote Bogdanos uses is not precisely accurate<sup>4</sup> — court cases have been lost for less. His plea for archaeologists not to fall into the trap of using hyperbole when talking to the media (p. 274) is somewhat ironic in the light of this exaggeration!

Bogdanos notes that American archaeologists briefed the Pentagon prior to the war about the threats to Iraq’s cultural heritage, as did British archaeologists, and accepts that criticism of the delay between the first appearance of Coalition forces near the Museum on 12 April, and securing the compound on 16 April is fair, although he assures the reader that nothing was taken during this period. The primary blame for the looting does lie with the looters, and as Bogdanos details, the looting of antiquities does have a long history, particularly in times of conflict. Many museums around the world do possess artefacts that by modern standards were acquired by looting — a disturbing number of these objects have been acquired in recent years, when the well-worn explanations/excuses for objects with vague or no provenances have been unacceptable. And whoever used the Iraq Museum as a military outpost did break the Geneva and Hague Conventions and protocols which ‘... *absolutely prohibit* the military use of otherwise protected cultural sites...’ (p. 202, author’s emphasis). Presumably, although he neglects to mention it, Bogdanos is similarly outraged by the Coalition’s establishment of a military camp on part of the archaeological site of Babylon and all the resultant damage<sup>5</sup>, particularly since he made a detour to Babylon whilst en route to Baghdad, to impress upon his team the importance of the cultural heritage of Iraq.

Some readers might quibble over the extrapolations and ‘leaps of faith’ concerning the extent of military activity in the Iraq Museum compound, or question why, if the basement looters did have Museum staff accomplices, they did not anticipate the lack of electricity — were they really so incompetent and/or under-resourced that they did not bring a single torch, and thus had to rely on makeshift lighting from burning hunks of foam? Whatever, the archaeological world has to be thankful that the keys, which ‘torment’ (p. 277) Bogdanos so much, appear to have been dropped and lost amidst the disarray of boxes, preventing the theft of thousands of more artefacts.

Bogdanos is convinced of the, at best, complicity of some Museum staff to some of the thefts (suspicions stated as early as p. 11 and oft repeated thereafter), and at the end of the book, he alludes to whom the guilty ones might be. To my non-legal mind, this section of the book (pp. 276–8) verges on the libellous and in one case offensive — none of the Museum staff have formally been charged nor given the chance to clear their names and reputations.

Ultimately, the success of any investigation is determined by its results. Bogdanos presents details of how many objects were stolen, and how many have since been recovered, although it is unclear why he uses figures dating to December 2003 for some of these data. One conviction for attempting to import artefacts from the Iraq Museum into the USA is discussed, and other international customs seizures are briefly mentioned. But ‘... at least 8,500 pieces — many of them truly priceless — are still missing’ (p. 271).

Bogdanos and his team should be congratulated for their efforts to unravel the complexity of the case and the retrieval of thousands of the looted objects. He is totally justified in correcting the inaccurate figures and reports that were bandied about in the aftermath of the looting, and to feel irritated by the antagonism some archaeologists and others have directed his way, rather than at his employers.

*Thieves of Baghdad* makes a valuable contribution in demonstrating the benefits that can be derived from different agencies and academics working together in the pursuit of the illicit trade in antiquities. His call for a four-fold global strategy to address the problem is, in my opin-



ion, eminently sensible. Bogdanos should also be commended for raising the touchy subject of archaeological involvement in Iraq, as the brutality of the regime became clear (see also Steele 2005, 55–61<sup>6</sup>), although he neglects to mention that Donald Rumsfeld twice met Saddam during the 1980s<sup>7</sup>, when Iraq was the West's ally against what was perceived as Islamic fundamentalism emanating from Iran. As Bogdanos rather frustratedly notes: 'In truth, everything about the war had become politicized and "spun" long before we ever got to Baghdad. Everyone had his or her own agenda ...' (p. 195).

The narrative flows well and has been generally well-edited — most readers would probably not pick up on the occasional errors that caught my eye: for example, the comment that Iraqis had invaded two other Arab countries (surely he is not referring to Iran as an Arab nation?! p. 141); the reference to the Hazara being around in Afghanistan during Alexander the Great's campaigns (p. 71) is dubious — many Hazara trace their ancestry back to Chingiz Khan's Mongol hordes; and to say that the Taliban filled the vacuum after the Soviet withdrawal from Afghanistan in 1989 (p. 67) is simplistic — Mullah Omar cited the movement's birth as dating to July 1994.

Whether you buy (in both senses of the word) this book will depend on your empathy (or lack of) for the central character, which despite his protestations, is Bogdanos himself. He repeatedly states that he is not a hero, and seeks to present a 'warts and all' portrait, although his references to Alexander the Great (p. 167) and Eliot Ness (p. 91), and abundant, inevitably selective, quotes from Classical authors and philosophers verge on the tedious. The frequent vignettes of 'Bogdanos, the family man' are of questionable relevance, other than to remind armchair generals of the personal costs of serving one's country.

To my mind, examples of Bogdanos's blinkered view of the world and internal contradictions are strewn throughout *Thieves of Baghdad* — for example, the discovery of smouldering Ba'ath

party files and identification cards in the Museum compound (p. 15) is sinister, whereas the fact that he was declared medically non-deployable and shredded the evidence after gaining possession of a 'second opinion' (p. 60) is merely an example of his circumvention of what he regards as petty military bureaucracy. More serious, given his emphasis on due process, international law and the sanctity of crime scenes is his confession to having disturbed one of Saddam's mass graves, albeit to give succour to a grieving mother, and the fact that his team confiscated over \$9 million during their investigations in the south of Iraq, and repatriated the money (surely the rightful property of the people of Iraq?) back to US military Camp Udari in Kuwait (pp. 106–7).

Ultimately, however, as Bogdanos somewhat defensively says in the case of the evacuation of a burnt Iraqi girl, his team did what they could, and the archaeological world should be grateful for that.

## Notes

1. <http://www.cnn.com/2003/US/05/01/bush.transcript/index.html>.
2. [http://news.bbc.co.uk/1/hi/world/middle\\_east/4736768.stm](http://news.bbc.co.uk/1/hi/world/middle_east/4736768.stm).
3. The pdf file of the report can be downloaded from: <http://www.ajaonline.org/index.php?ptype=content&aid=5>
4. Bogdanos inserts the word 'nest' in his quote — cf. Dr Robson's original text, available at: <http://www.guardian.co.uk/Iraq/Story/0,2763,979734,00.html>.
5. See Dr John Curtis's summary report of the damage done to the archaeological site, available at: <http://www.thebritishmuseum.ac.uk/iraqcrisis/reports/babylon.htm>.
6. Steele, C., 2005. Who has not eaten cherries with the devil?, in *Archaeologies of the Middle East: Critical Perspectives*, eds. S. Pollock & R. Bernbeck. Malden (MA): Blackwell Publishing Ltd.
7. National Security Archives: <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB82/>.

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# Culture Without Context



The Newsletter of the Illicit Antiquities Research Centre

Issue 18, Spring 2006

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The Illicit Antiquities Research Centre is a project of the McDonald Institute for Archaeological Research.



## Illicit Antiquities Research Centre

The Illicit Antiquities Research Centre (IARC) was established in May 1996, under the auspices of the McDonald Institute for Archaeological Research in Cambridge, England, and it commenced operations in October 1997. Its purpose is to monitor and report upon the damage caused to cultural heritage by the international trade in illicit antiquities (i.e. antiquities which have been stolen or clandestinely excavated and illegally exported). The enormous increase in the volume of this trade over the past twenty years has caused the large-scale plundering of archaeological sites and museums around the world. The IARC will raise public awareness of the problems caused by this trade and seek appropriate national and international legislation, codes of conduct and other conventions to place restraint upon it.

*Culture Without Context* is published twice-yearly. The next issue will appear in autumn 2006. Subscription details are available from:

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**Front cover.** *Headless apsara, temple of Preah Khan, Angkor temple complex (see p. 5).*

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ISSN 1464-1925

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<http://www.mcdonald.cam.ac.uk/IARC/home.htm>

Correspondence relating to all aspects of the legal and illegal trade in antiquities is welcome; we will make an effort to print reasonable, non-libellous letters. No unsigned letters will be printed, but names will be withheld upon request.

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Printed by BluePrint, Coldhams Road, Cambridge, UK, CB1 3EW.  
Tel: +44 (0)1223 472400



## Editorial

In May 2006 the Biblical Archaeology Society (BAS) issued a statement said to have been drafted by Harvard's Professor Lawrence E. Stager concerning the academic publication of unprovenanced archaeological artefacts (available at: <http://www.biblicalarchaeology.org/bswbOOunprovenancedstatement.html>; see also H. Eakin, 'Must looted artefacts be ignored?', *New York Times*, 2 May 2006). By June the statement had attracted more than 100 signatures. The statement seems to have been triggered by the recent debate over publication of cuneiform tablets (see A. Lawler, 'Looted tablets pose scholar's dilemma', *Science* 309, 2005, 869), and most of the signatories have an interest in inscribed materials. It is aimed at the Archaeological Institute of America (AIA) and the American Schools of Oriental Research (ASOR). Both bodies oppose the first publication of objects that do not have either a legitimate provenance or a documented provenance stretching back to 1973. Their argument is that as many unprovenanced objects have been looted, publication 'legitimizes' them and helps sustain the market, thus stimulating further looting.

The BAS statement notes that its signatories are opposed to archaeological looting, though it makes a number of unwarranted assertions, including 'The opposition to the publication of unprovenanced antiquities is supposedly based on the view that their publication encourages looting. Yet it is almost universally recognized that this prohibition on publication has had little or no effect on looting'. As usual, no references are provided to substantiate the 'universal recognition', and in fact what research has been undertaken suggests the opposite (N. Brodie, 'The circumstances and consequences of the British Library's 1994 acquisition of some Kharosthi manuscript fragments', *Culture Without Context* 17 (2005), 5–12).

The statement's main point is that 'The sweeping exclusion of unprovenanced material from scholarly consideration results only in a loss to scholars, to scholarship and ultimately to the public'. The statement also argues that 'The questions we deal with here are quite apart from the issues currently engaging the media and the public re-

garding patrimony laws and repatriation. These issues are complex and separate from the issues we are concerned with here. On the repatriation issues, we express no view'. Thus the issues of scholarly access and criminal trade are kept separate. This view is not accepted by the AIA and ASOR, who base their policy on what they see to be a clear relationship between publication and looting. But, ignoring the larger economic context, and restricting consideration to material that has already been looted, the statement's position does have a certain validity. There are two separate questions. First, the material in question is probably stolen property. What should happen to it? Second, the material in question might impart important historical knowledge. Should it be studied? Luckily, the answers to both these questions are not hard to find. First, as stolen property, the material should be returned to its rightful owner. Second, once it is in the hands of its rightful owner, it should be made available for study and publication. The threat of restitution would deter the trade of such material and thus break the economic link that distresses the AIA and ASOR. The legitimate study and publication of the material would assuage the concerns of the scholars who have signed the statement. It is a pity the statement does not endorse this straightforward solution.

There is another issue, though, which the statement does not address. Scholars often know a great deal about the trade history of the material they study, but choose not to publicize what they know and are reluctant to investigate that history any further. This failure to research and publish provenance has potentially serious consequences for countries such as Iraq and Afghanistan where there are continuing allegations that profits from the illegal trade go to fund arms' purchases. By failing to push for what might be called 'full' publication of the material concerned, the statement seems to judge the right to study the products of criminal trade as more important than the right to study the criminal trade itself. How this position is in the public interest is something not made clear.



It is sometimes argued in favour of the antiquities trade that artefacts are better cared for in European and North American museums



than in museums of their countries of origin. The Heritage Health Index published in December 2005 reported on the state of material stored in US institutions (<http://www.heritagepreservation.org/HHI/index.html>). For art, archaeological and historic objects it reported that between 13–48 per cent are in unknown condition, and that between 14–36 per cent are in need of attention.

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## The Getty Aphrodite: a reply

MALCOLM BELL, III

I have discovered very belatedly that in issue 11 (autumn, 2002) of *Culture Without Context*, Deborah Gribbon, then Director of the J. Paul Getty Museum, attributes to me statements about the so-called ‘Getty Aphrodite’ that I did not make. I am writing now to correct her account. In the summer of 1988 when the Getty Museum was considering the purchase of the sculpture, Marion True telephoned me in Sicily to ask if I knew anything about the work, which a market rumour had attributed to Morgantina. I did not say, as Dr Gribbon writes, that there is no limestone sculpture from Morgantina, or that there is no acrolithic sculpture from the site; both statements would be patently false. At the time I was actually studying a limestone sculpture of the

later third century BC, of which head, hands, and feet were inserted in marble; and we knew of the clandestine discovery a decade earlier of marble acroliths. What I told Marion True is that there is no evidence at Morgantina of limestone sculpture in the second half of the fifth century BC when the Getty statue was carved, a period, moreover, when Morgantina was small and not particularly prosperous. I suggested that the sculpture was more likely to come from a major centre like Taranto. To my knowledge nothing has surfaced since 1988 to indicate that the sculpture was found at Morgantina. It may come from the site, but if so some evidence is needed to make the case. The Getty sculpture remains in any case a remarkable work that cries out for identification of its religious, cultural, and architectural context.

MALCOLM BELL, III  
Professor of Classical Archaeology  
University of Virginia

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## Supply and demand: a glimpse into the traffic of illicit Khmer antiquities

TERRESSA DAVIS

### Background

As a tangible witness to the past, archaeology provides invaluable information about human history. But to some collectors and dealers of antiquities, it is viewed only as a source of economic or cultural capital — an attitude that has commercialized archaeology, creating a demand for artefacts that is spurring a worldwide epidemic of looting at ancient sites. At this very moment, looters around the world are reducing countless sites to rubble in their search for

buried treasures. No corner of the world is left untouched.

The archaeology of few countries is more threatened than that of the small Southeast Asian nation of Cambodia, where throughout their centuries-long rule, the ancient Khmer built thousands of stone temples for their different gods. Some, like Angkor Wat, rival the Egyptian pyramids in scale, while today, others are all but invisible, lost to the jungle. These temples have immense historic and religious significance to the Cambodian people, and since they attract millions of tourists to the country each year, are one of Cambodia’s most important economic resources. They are also among its most delicate, and despite having survived centuries of war and abandonment, they may in the end be destroyed by their own popularity.



Many temples have already been badly damaged, and the destruction continues at an unprecedented rate: entire temples are reduced to rubble as looters sever prized statues and reliefs, destroying unwanted artefacts in the process (Figs. 1–3). The situation is clearly dismal, but largely unquantified. It is, after all, impossible to track the rate of artefacts leaving the country, owing to both the covert nature of the traffic and the large number of thefts that go unreported.

It may be, however, possible to judge the number of artefacts that have already left the country by gauging how many have reached their final destination — the art market. An analysis of the art market presents a glimpse into the extent of the traffic in Cambodian antiquities — providing much-needed data on the number and type of artefacts available for sale. Such information reveals more than just what artefacts are available on the market: it offers clues as to where they are coming from.

### The role of Sotheby's

The physical reach and economic consequence of the international trade in art is extensive, though it currently lacks the governmental regulation required for many businesses of a similar size. It ranges widely in scale, from individual, specialized dealers to large, international auction houses. Only the latter, however, regularly publish their sales in catalogues, thereby providing a tangible record of the market. These catalogues usually provide the following information for each piece: a detailed physical description, including the height, material, and current condition; the culture and country of origin; the presumed age; the estimated price; and sometimes the provenance.

The catalogues of Sotheby's auction house — unsurpassed in terms of size and reputation — provide an excellent starting place for examining the wider market in Khmer art. Though founded in London, and now based in New York, Sotheby's has a sizeable presence in Asia, with several offices in the region. It also has a long established interest in Khmer art. Khmer artefacts



**Figure 1.** *Isolated until recently by land mines and poor roads, the tenth-century Khmer capital of Koh Ker is one of the most heavily looted sites in Cambodia. (Photograph Terressa Davis.)*



**Figure 2.** *Headless apsara, temple of Preah Khan, Angkor temple complex. (Photograph Terressa Davis.)*

were traditionally sold in Sotheby's general antiquities auctions until 1988, when regular sales of South and Southeast Asian art began. Owing to a growing demand, several such auctions now take place annually around the world, most of which are published in Sotheby's catalogues





**Figure 3.** Every apsara at the temple of Phnom Banan, NW Cambodia, has been decapitated. (Photograph Terressa Davis.)

*Indian and Southeast Asian Art.*<sup>1</sup> To date, over thirty sales have been held in New York City alone, with many more around the world. All of these sales have included at least some pieces of Khmer art.

Between 1988 and 2005, approximately 348 Khmer artefacts were auctioned at Sotheby's Indian and Southeast Asian Art sales in New York. Almost all of these objects were sculpture of some sort — either statues in the round or reliefs. Approximately 59 per cent were made from sandstone, 36 per cent from bronze, and the rest from various other materials. The stone artefacts were offered for higher prices (\$18,600 to \$27,600) than the bronzes (\$7500 to \$10,900), but this is probably due more to their larger average size, than to their material.

While a few pieces dated as early as the sixth century, and others as late as the sixteenth, over half were from the twelfth century, with most of the remainder dating to the centuries immediately before or after. This was the height of the Angkorian period, so it is not surprising that stylistically nearly half of the artefacts auctioned belonged to either the Angkor Wat or the later Angkor Thom schools.

80 per cent of these objects had no listed provenance. While generally defined as 'place of origin', in the art world provenance refers to a piece's ownership history. Pieces with a provenance — those known to have been published, exhibited, or to have come from collections al-

ready in existence — are usually more valuable than those without. Thus, if an auction house does not advertise an artefact's provenance, it is usually for one of three reasons — the provenance is legal but the consignor does not want it known, the provenance is known but somehow incriminating, or the provenance really is not known. Either of the last two reasons suggests that some of the objects, at some point in their histories, could have been illegally acquired.

Knowing what types of object are available on the art market and most popular with collectors should aid the Cambodian authorities in protecting their country's

archaeological sites, by revealing which sites are most at risk. The authorities also need to know the source of material on the market. It is said by auction houses to come from existing collections, but claimed by archaeologists to be derived from looting. It is problematical to verify either position irrefutably. But while direct evidence is lacking, circumstantial evidence is available in abundance.

### **Trends in the market and what they might mean**

The fluctuations in the annual number of Khmer objects auctioned by Sotheby's, for example, is one such piece of circumstantial evidence (Fig. 4). At the beginning of the period in question, the late 1980s, few artefacts were available for sale. But then the number of artefacts climbed each year, tripling in 1990, and reaching a maximum of 42 in 1991. The number remained high until 1994, after which it began to drop. The number peaked again in 1998, but this was a result of Sotheby's acquiring the substantial collection of Samuel and Natasha Eilenberg, which provided 29 of the 41 Khmer artefacts sold that year. Since this collection dated back to the 1950s and 60s, its sale did not reflect the market trends of the 1990s, so for the purposes of this study, when the 1998 data exclude the Eilenberg collection, they continue the general decline started in 1993.

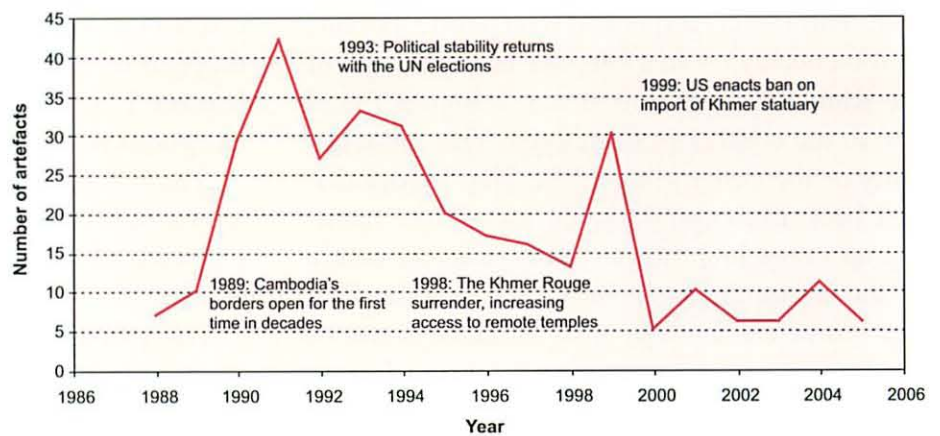
Though regaining strength in 1999, the annual number of auctioned artefacts sharply fell to an



all-time low in 2000. Despite a gradual increase in subsequent years, by 2004, Sotheby's was auctioning fewer than the small number of artefacts it auctioned in 1988.

It could be argued that these fluctuations represent the changing demand for Khmer art — that when Sotheby's first began its Indian and Southeast Asian Art auctions demand was naturally low, but grew throughout the early 1990s because of Cambodia's increasing newsworthiness, and then tapered off when the country faded from the headlines. This argument, however, is belied by numerous other indications that the market for Khmer art has steadily grown over the period in question. During that time, the annual number of foreign tourists to Cambodia increased from practically zero to millions, and numerous museums across the world built — or added to — extensive collections of Khmer art. In consequence, millions of people are being exposed to Khmer art each year, and it is only natural to assume that this increased exposure translates into increased demand. Also, art collectors are beginning to turn away from the standard 'art' of the Classical world, and to the more exotic artefacts of Asia and Latin America. Owing to all this, it is more likely that the popularity for Khmer art is at an all-time high, than a low, although this popularity is not reflected in the auction record.

If the trends seen in the auction data do not reflect the demand for Khmer art, it is only natural to presume they reflect the supply. If this supply originates in existing collections of Khmer art, as the trade affirms, it would seem likely that there would be a steady decline in the number of Khmer artefacts for sale each year, since no new pieces would be entering the market. This is not the case — the supply instead rises and falls, seemingly randomly. If the Sotheby's supply, however, has a recent origin in Cambodia, these fluctuations are not so random after all. In fact, the most notable fluctuations — the increased number of artefacts available after 1989, the drop after 1993, the peak in 1999, and the subsequent drop — can be linked to several events that would be expected to affect



**Figure 4.** Annual number of Khmer artefacts sold at Sotheby's New York auctions. (This chart does not include the Eilenberg Collection sold in 1998.)

the number of artefacts leaving Cambodia and entering the United States.

Cambodia spent the last half of the 1970s and the major part of the 1980s in near complete seclusion from the world. The self-imposed isolation demanded by the communist Khmer Rouge, who took control of the country in April 1975, was continued, albeit to a lesser extent, by the Vietnamese, who ousted the Khmer Rouge in 1979. The Vietnamese occupation of Cambodia lasted a decade, ending only when Hanoi bowed to international pressure and withdrew its troops in 1989.

The sudden exit of the Vietnamese left a power vacuum in Cambodia — the country was divided into several political factions, each with its own army. The Khmer Rouge army remained a major threat, still occupying the jungles near the Thai border. It wasted no time in using the Vietnamese withdrawal to its advantage, beginning immediate offensives to regain lost territory. Cambodia was in chaos, and open to the world for the first time in decades — an ideal breeding ground for illegal activity. Arms dealing, drug trafficking, and antiquities smuggling skyrocketed. It is no wonder then, that following 1989, a greater number of Khmer artefacts passed through Sotheby's — for the first time in decades, it was relatively easy for them to leave Cambodia.

This situation continued through into the early 1990s. With the completion of UN-sponsored elections in 1993, however, some stability began to return, allowing the Cambodian government to secure the temples at Angkor. Gradually, the number of artefacts making their way onto the market appears to have decreased.

This decline continued until 1998, then in 1999 sales suddenly increased by some 230 per



cent. This rise corresponded with political events in the country — in 1998, the last remnants of the Khmer Rouge surrendered, bringing a final end to the conflict in Cambodia. This unlocked parts of the country along the Thai border that had been inaccessible since the 1970s, opening up smuggling routes to Bangkok, the centre of the antiquities trade in Southeast Asia. This newly-opened territory also included some of the country's greatest temple complexes. It is no wonder that Sotheby's sales peaked in 1999.

Cambodia enacted clear laws criminalizing both looting and the export of antiquities following the 1993 elections, but enforcing such laws is practically impossible, and they appear to have had no effect on the number of artefacts leaving the country. The Cambodian government, believing the United States to be the final destination of much looted Khmer material, requested an emergency ban under the terms of the 1970 UNESCO Convention on the import of 'stone sculpture and architectural elements from Cambodia unless ... accompanied by an export permit'. The United States granted this ban in 1999. Apparently, it was effective — the number of Khmer artefacts

offered for sale at Sotheby's New York after 1999 dropped by more than 80 per cent. The import ban was renewed in 2003 and extended to other categories of archaeological material.

These data are certainly not irrefutable, but are suggestive, and they suggest an illegal origin for much of the material that is offered for sale at auction.

If anything, these data also show that the fight against the looting has to be taken to those countries where the art is sold. Cambodia's own laws protecting its antiquities had little effect on the amount of material entering the art market, but the 1999 United States law appears to have made a significant impact. Looting is a demand-driven crime, and only by stifling this demand can the world hope to protect its ancient sites.

#### Note

1. Occasionally entitled *Indian, Himalayan and Southeast Asian Art*.

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## A disputed cuirass: Italy versus the Netherlands' National Museum of Antiquities in Leiden

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About one year before Italy began its trial of an antiquities dealer and a curator of the J.P. Getty Museum, and also started pushing some US top museums to return a number of tainted antiquities, the country lost a court case about a similarly tainted object in the Netherlands. A Dutch judge ruled that the National Museum of Antiquities (NMA) in Leiden had done nothing wrong in purchasing some ancient armour. Yet nobody is really happy with the outcome.

At the 1997 TEFAF, the prestigious art fair in the Dutch city of Maastricht organized annually by the European Fine Art Foundation, a curator of the NMA discovered an object which would be a welcome addition to the museum's collection. In the stand of a well-known Swiss antiquities dealer, there was some ancient bronze armour comprising a cuirass, a helmet, fragments of a belt and two leggings. The NMA collected money and purchased the cuirass in early 1998.

In 2000, the Italian authorities demanded in a criminal procedure that the NMA should return the cuirass to Italy. The NMA supplied what information it had on the cuirass to the Italian authorities, but that did not bring the two parties any closer to one another. In 2002, Italy started a procedure against the NMA on the basis of European Directive 93/7, which provides for the return of a cultural object that has left the territory



of a member-state unlawfully. According to the Italian Carabinieri, the cuirass had come from a clandestine excavation; the Carabinieri even knew the name of the place and that it had been exported illegally.

On 9 June 2004, a court in the Dutch city of The Hague decided the evidence offered by the Italians was far too meagre and rejected their claim. The Italian case had been based on a note of 9 October 1999 made by two sergeants of the operational section of the Carabinieri, which had been in touch with a 'confidential source'. The note said 'it seems that some years ago in the illicit trade a complete cuirass ... surfaced. According to him, the cuirass was taken up by an important dealer in archaeological objects in Puglia ... The important armour seems to have been purchased by a museum abroad'. Based upon further investigations in Switzerland and the Netherlands, Italy concluded that it was this cuirass that had been purchased by the NMA.

The Italians know the Swiss dealer quite well. The Carabinieri had in the past questioned him about other objects, but they had never been able to prove their suspicion that he is not always careful enough about the provenance of objects, and that every now and then he is involved in the 'laundering' of objects with a dubious provenance.

The Italians also knew that the NMA had been criticized by Professor Colin Renfrew, then Director of the McDonald Institute for Archaeological Research at the University of Cambridge, UK, for exhibiting a selection of unprovenanced antiquities from the collection of the Miho Museum in Japan. Some media had questioned this exhibition as well.

For these reasons, the Italians did not want to show the report of their investigation to the NMA, not even after repeated requests. The NMA stated that after the acquisition its conservation expert had not found any evidence that might allow the place of excavation to be deduced. In law, the NMA had not done anything wrong.

Colonel Dr Fernando Musella, head of the operational section of the art crime squad of the Carabinieri, whom I recently met during a congress on art crime in Rotterdam, complained that the Dutch judge 'had insufficient understanding of the illicit trade in art and antiquities'. Dr Musella was pointing to the problem that much

smuggled art from Italy is laundered in Switzerland and that it is extraordinarily difficult, and particularly so in the case of archaeological objects, to prove that they have been stolen and smuggled. Moreover, most of the earth adhering to the cuirass had been removed.

Equally, the NMA was not amused with the attitude of the Italians, who according to the head of the museum's collection management, Steph Scholten, 'did everything with a lot of fuss and display of power. They tried to criminalise the NMA'. At the same time Scholten could 'well imagine the dilemmas and frustrations of the Italians. With hindsight maybe that purchase was naïve.'

The NMA thought that the Carabinieri, who visit TEFAF most years, would have seen the cuirass and was surprised that the Italians did not take any action at the time of the fair in 1997. When the NMA began to think about purchasing the object, it asked the Swiss dealer for further information about the object, and checked the data base of the Carabinieri. It did not, however, directly contact the Italians. 'With the standards of 2005 one can say that information could have had more substance' says Scholten,

and now we also know more about the role of Switzerland in the illicit trade. In the National Museum of Antiquities one had been thinking for a long time that the illicit trade was something of shady back rooms and not something of prominent traders in prominent places. Now I understand that things happen even at the TEFAF which should not be allowed as far as provenance is concerned.

With the decision of the Dutch judge the case between Italy and the NMA seems to be over. But while this might be true from a legal point of view, the same cannot be said from the perspective of museum ethics. The NMA reproaches the Italians, and Scholten says that 'with their power display and doing everything through lawyers' they have shut the door on a dialogue. In 1998 the NMA knew less about the illicit trade than it does now. Their assumption 'that the museum had been willing to help the Italians in their investigation' was not really picked up in Rome. At the end of 2004 the Italians once more demanded the return of the cuirass, but again, without result.

The Dutch court case must have served as a warm-up for the actions that followed against



museums, dealers and collectors in the USA, and possibly other countries too. The Italians will no longer have to complain that judges do not fully understand their cases and museums such as the NMA will be more prudent in the future. Apparently, the cuirass was of less cultural and

historical importance than the pieces claimed from major US museums.

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## In the News

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### UK

- Archaeologists and metal detectorists worked together on an Anglo-Saxon site at Burdale, Yorkshire, in order to improve relations and promote mutual understanding. The site was selected for the experiment by staff at the University of York as it had already been attacked by 'nighthawks' metal detecting illegally under cover of darkness ('We're watching the detectors to preserve past', *Yorkshire Post*, 30 May 2006).
- A code of conduct, agreed after months of negotiation between metal detectorists and archaeologists, was launched at the British Museum in May (see 'Archaeologists and amateurs agree pact', *Guardian*, 2 May 2006). Under the terms of the code, an estimated 180,000 metal detectorists will agree to work only the top layer of disturbed soil (like ploughed fields), operate with the land owner's permission, report all finds, and call experts in the event of seeing anything significant.
- Pretty much everyone in Britain was caught out by an Amarna-style Egyptian alabaster statue bought by Bolton Council in 2003 for the Bolton Museum and Art Gallery. The piece was authenticated by the British Museum and came with documentation to show that it had been sold by auction in Britain in the nineteenth century. Most of the £440,000 purchase price was obtained

from the National Heritage Memorial Fund and the National Art Collections Fund (NACF). It featured in the NACF's 2004 'Saved' exhibition of pieces bought with the help of NACF funds and was published in *Burlington* and the Egypt Exploration Society's *Bulletin*. It turned out, however, to be fake, and in March two men were arrested in Bolton on suspicion of forgery and several objects were seized. The house of one of the accused was said to resemble a workshop, containing marble and tools for working stone (J. Malvern, 'The ancient Egypt statue from Bolton', *The Times*, 27 March 2006; M. Bailey, 'How the entire British art world was duped by a fake Egyptian statue', *Art Newspaper*, May 2006).



### Zimbabwe and Kenya

- The *Herald* newspaper in Zimbabwe reported that more than 1500 artefacts of archaeological and ethnographic interest have disappeared from the Zimbabwe Museum of Human Sciences. Interpol are helping with investigations into their whereabouts amid rumours of illicit export and involvement of senior staff (see 'Precious artefacts vanish from Zim museum', Independent Online, 1 June 2006).
- Senior curator of the National Museums of Kenya, Abdalla Ali Allausy, has set up a working group to identify the location of cultural material smuggled out of the country in the late 1970s and early 1980s, with the intention of securing its return. He added that the National Museums are



working with other government authorities to ensure that cultural material and antiquities do not leave the country with tourists.

## Egypt

- Controversy erupted in March 2006 when the head of Egypt's Supreme Council of Antiquities, Dr Zahi Hawass, claimed that a nineteenth-dynasty mask in the St Louis Art Museum had been stolen from a warehouse in Saqqara in the 1980s (J.E. Kaufman, 'This mask belongs to Egypt', *Art Newspaper*, March 2006). Dutch experts claimed that the mask had been excavated sometime between 1951–5, published in 1957, and stolen sometime after 1985. St Louis director Brent Benjamin replied that the museum bought the mask in 1998 for \$499,000 from Phoenix Ancient Art, co-owned by the brothers Ali and Hicham Aboutaam, and that Phoenix claimed the mask had indeed been excavated in the 1951–2 season, but that an unidentified Swiss person had seen it on the market in Brussels in 1952. Zahi Hawass denied that this would have been possible. On 11 May the St Louis Museum issued a statement asking Zahi Hawass to provide documentation that would substantiate his claim (J.E. Kaufman, "'This mask is ours' says St Louis Art Museum', *Art Newspaper*, June 2006). Hawass responded with a register entry recording the mask's presence in Egypt in 1959, but Benjamin was not satisfied.
- *June 2006*: An ancient Egyptian offering vessel, made of alabaster and shaped like a bird, was removed from sale at Christie's New York after concerns were raised by the Metropolitan Museum of Art that it may have been improperly exported from Egypt. The appropriate authorities were contacted.

## Libya

- A report by the Supervision Authority in Libya describes thefts of historical artefacts as 'widespread' (see R. Jawad, 'Libya fears for its stolen heritage', BBC News, 28 April 2006, at <http://news.bbc.co.uk/1/hi/world/africa/4951770.stm>).
  - According to official figures, 90 ancient artefacts have been stolen in Libya since 1988, but heritage professionals say the figure is much higher as material is stolen through clandestine excavations and from previously unknown sites uncovered during seismic surveys by oil companies.
  - Most of the thefts are from museums and sites where the officials are older, untrained and underpaid — like Shahat in the south, Sabratha near Tripoli, and Abikamash in the east.
  - The ministries of justice and public security are criticized for their lack of effort in finding the perpetrators.
  - According to Guima Anag, chairman of the department of archaeology, heritage professionals are hamstrung by lack of money and excessive bureaucracy — which means that their systems are 'outdated, weak, inefficient, understaffed, under-funded and under-developed'.
  - The return of items stolen from the museum of Sabratha, which were confiscated in 2003 at the Egyptian border, has been delayed because the Libyan authorities have been unable to provide documentation proving they were from the Sabratha collection. They remain in the museum of Alexandria.
  - The culture ministry says other artefacts stolen from Libya have been discovered in Egypt and talks on their repatriation are ongoing.
  - The culture ministry says it is building fences round archaeological sites, installing surveillance equipment, and has asked the General People's Congress to pass strict laws regarding artefact theft.



## Yemen and Syria

- The Yemen Ministry of Tourism has developed a new 'strategic plan' to protect the country's cultural heritage. Amongst other measures, national borders will be monitored more closely to prevent smuggling (see 'New plan for protecting antiquities in Yemen', *Yemen Observer*, 26 March 2006).
- *May, Yemen*: Military police in the Al-Awad district of Ibb province recovered ancient Humari and Sasanni period artefacts from smugglers. The operation involved a criminal gang trying to sell the objects to a US-based Yemeni ('New archaeological discoveries in Marib, smugglers caught', *Yemen Observer*, 3 May 2006).
- *June*: 76 archaeological items that had been smuggled from Syria to Lebanon in 2001 were returned according to a cultural agreement between the two governments under the terms of the 1970 UNESCO Convention. The objects had been found in the Baalbek area of Telya and the Kesrouan area of Ghadir and Haret Sakhr following the arrest of Lebanese and Syrian smugglers. They included sections of column, sculptures from various periods and smaller architectural pieces.



## Iran

- Police in Bafgh, Yazd province, seized a 20-cm-high, soapstone goblet decorated with carved lions, scorpions and wolves. The artefact had been stolen from Jiroft (see 'Stolen ancient goblet of Jiroft found in Yazd', Cultural Heritage News Centre, 29 April 2006; also see 'In the news', *CWC*, Issue 15 (2004), 8–9; 'In the news', *CWC*, Issue 16 (2005), 13). Experts hope that the discovery will provide valuable comparative evidence to bolster Iran's international legal claims for the return of other items

they believe to have been smuggled from Jiroft, which are currently in museums and galleries around the world.

- *April 2006*: The Iron Age cemetery of Pardis Tepe near Varamin (southern Tehran Province), which was the site of excavations by archaeologists from the University of Tehran and the UK Universities of Leicester and Bradford, has been destroyed by looters. Graves have been ransacked and fragments of human bone left scattered over the site. Police have been investigating the looting (see 'Smugglers destroy Iron Age cemetery south of Tehran', Mehrnews.com, 28 April 2006).
- Eleven rare artefacts were confiscated by authorities in Tehran in April. The Cultural Heritage and Tourism Organization of Ilam Province, from where the objects were stolen, has written to the cultural heritage police requesting their return. The objects, including metal items like decorated arrows, a golden cup and an extremely rare silver mask, believed to be 2800 years old, were looted from the village of Darreh Shahr. Officials say the objects will be conserved, studied, then sent for display to a museum (see 'Stolen artifacts to return to Ilam', *Persian Journal*, 19 April 2006).



## India

*Newkerala.com* ('200 idols seized, antique dealer nabbed', 28 April 2006), reports:

- *April 2006*: Customs officers confiscated 25 ancient idols at a container depot in Sabarmati, allegedly booked in as a consignment of household goods by a Belgian national who had left for France. Police believe the city of Ahmedabad has for years been the base for a gang smuggling antiques brought from Gujarat and Rajasthan.
- *April 2006*: Police in Gujarat seized more than 200 ancient marble and sandstone



idols, the largest four feet tall, from an industrial store owned by Ismail Memon. Some were allegedly stolen from Jain temples. Memon was arrested for interrogation, and a complaint lodged against him and two others (believed to be Thai) under the 1972 Antiquities and Art Treasures Act.

- There were reports from Kutch of idols and statues being looted from damaged temples and Jain shrines following the earthquake in 2001.
- Following the discovery in May 2006 that hundreds of antiquities were missing from the storeroom of the Patna Museum (which houses Buddhist and Chinese artefacts), security is being stepped up. The pieces were kept in two dilapidated rooms at the back of the museum (see 'Night patrolling to be introduced on Patna Museum', *Times of India*, 15 June 2006).



## USA

- Pennsylvania University professor of archaeology, Brian Rose, has been working with US Central Command to set up a lecture programme at military bases demonstrating to Marines operating in Iraq and Afghanistan how best to treat archaeological material.
- Dartmouth University classics professor, Roger Ulrich, is also starting work developing training materials to help troops preserve cultural heritage in Iraq and Afghanistan. The research, funded by the Defense Department, will see a group of student researchers produce guidelines for cultural resource management (see 'Prof. to train soldiers to preserve sites', *The Dartmouth*, 26 April 2006).
- On 21 February 2006, the Italian Ministry of Culture and the Metropolitan Museum of Art signed an agreement whereby the Metropolitan will cede title to Italy of 21 antiquities in its possession, and Italy will reciprocate by offering on loan objects of equal significance. The Metropolitan denies any knowledge of illegal provenance for any of the objects concerned. They include the Euphronios krater and the so-called Morgantina treasure, a 15-piece set of Hellenistic silver. A Metropolitan press release describing the agreement is available at [http://www.metmuseum.org/press\\_room/recent.asp?type=2](http://www.metmuseum.org/press_room/recent.asp?type=2). The Euphronios krater will remain at the Met until 2008, and the Morgantina silver will stay until 2010. The *Boston Globe* reported that the Italian government had offered the Boston Museum of Fine Arts a similar deal (G. Edgers & S. Pinto, 'Italians extend art offer to MFA', 17 June 2006).
- *March* (see 'Artifacts trafficker pleads guilty', *Honolulu Star Bulletin*, 25 March 2006): In the first case to be prosecuted under NAGPRA (the federal Native American Graves Protection and Repatriation Act of 1990) in Hawaii, Daniel W. Taylor pled guilty to conspiring to traffic in Native Hawaiian cultural items. Previously, co-defendant John Carta had been charged with trying to profit from selling the objects. Some of the items were from the J.S. Emerson Collection that had been acquired by the Bishop Museum in 1880 and repatriated under NAGPRA to the Native Hawaiian group Hui Malama I Na Kupuna O Hawaii Nei in 1997. Hui Malama then reburied them in the Kanupa cave. The prosecution claims that on 17 June 2004, Taylor and Carta broke into the sealed cave and stole 157 artefacts, most of which have now been recovered with Taylor's help. Also on 17 June, Taylor tried to sell a necklace for \$40,000 and offered a kupee bracelet in an Internet auction for \$5600. On 26 June, an ancient kapa was sold to a tourist for \$150, and a fisherman's bowl to a collector for \$2083 on 11 July. When collectors noticed Emerson collection numbers on items offered by Taylor they alerted



the authorities. Possible state charges may follow because of the large number of items stolen, and investigators say they are now following leads on other similar cases.

- Controversial collector Shelby White has donated \$200 million to fund a new Institute for Study of the Ancient World at New York University (see New York University News, 3 April 2006; *Science* 311, 31, March 2006; *Science Now*, 28 March 2006; *The Harvard Crimson*, 6 April 2006). The donation, made through the Levy Foundation, sparked criticism from students and some staff, concerned that the Institute's aims and autonomy, and the University's reputation, may be damaged by the connection with White's antiquities collection. She will serve as the Institute's chairwoman of the board and, according to NYU Provost David McLaughlin, may be given a permanent position on the faculty's appointment committee. Professor Randall White resigned from the existing Center for Ancient Studies in protest over the donation and its implications. McLaughlin said that White's collection was a separate issue from the gift.

The Levy Foundation also funds a programme based at Harvard University supporting archaeological publication, but several US institutions, including Bryn Mawr College, the University of Pennsylvania and the University of Cincinnati, Ohio, have policies which explicitly advise against accepting fund from the Foundation.

- *June 2006*: Vandals who broke a window at the Canal Museum in Middletown, Ohio, made away with two stone axes and a tomahawk.
- The convictions of two men, John Ligon of Reno and Carroll Mizell, who were found guilty of theft of two petroglyphs from government land in Arizona (see 'In the news', *CWC* Issue 14 (2004), 9), have been overturned by the appeals court in San Francisco, which said the government had

failed to prove the artefacts were worth at least \$1000, or that the thieves knew they were breaking the law. The situation highlights the difficulties of affixing monetary value to clearly important archaeological artefacts, and, according to lawyers and archaeologists fighting the case, the ruling as it currently stands 'effectively provides a license to steal' ('Archaeologists, courts debate artifacts' value', *Contra Costa Times*, 18 June 2006)

- Established collections of Native American artefacts are increasingly a target for thieves, according to the *Christian Science Monitor* (26 April 2006), which reports that such items are seen on sale in Europe in ever increasing numbers.
  - In 2005, more than 2500 ancient shell necklaces, stone points, bones, and stone tools, comprising nearly half of the collection at the Wolf Creek Indian Village in Bastian, Virginia, were stolen. None have been recovered.
  - In March 2006, the Antique Tribal Art Dealers Association reported thefts of dozens of artefacts from a private home in Fort Morgan, Colorado and a museum in Jackson, Wyoming.



## Cambodia

- Following an anonymous call on 9 May to Heritage Watch's 'Heritage Hotline' (set up in August 2005 to facilitate reporting of looting or archaeological discoveries), the Cambodian temple of Preah Khan, where nearly every carving has been hacked from the walls, was saved from further destruction. Heritage Watch contacted the Ministry of Culture following the call, which warned that powerful officials had mobilized a team of armed thieves to go in search of statues missed by earlier looters and metal-detect valuable bronzes. It emerged that 30 such men had been involved, but they left the temple alone when provincial authorities,



including police and military personnel arrived. The temple, in Preah Vihear province, is unguarded and therefore vulnerable.

- Dougald O'Reilly of Heritage Watch estimates that at the current rate of looting most of Cambodia's pre-Angkorian sites will be completely destroyed within three years.



## Greece

- According to Greek police figures, 90 people were arrested on charges of antiquities smuggling in 2004, compared with 89 in 2005. More than 2800 objects were seized in the greater Athens area in 2004, and over 800 in 2005 (see 'Greece facing 'explosive' situation with illegal digs', *Kathimerini*, 29 March 2006).
- According to Public Order Ministry figures, 60 illegal sales of antiquities were reported in 2004, compared with 75 in 2005.
- Greek police announced their largest ever discovery of illegal antiquities, on 13 April at a villa on the tiny Aegean island of Schinoussa, south of Naxos. (see A. Carassava, 'Illegal antiquities cache prompts Greek inquiry', *New York Times*, 19 April 2006; CBS Arts, 18 April 2006; *Kathimerini*, 15 April 2006). According to archaeologists inventorying the collection, it contains 280 items dating to many periods and from around the Mediterranean, some hidden and some openly used as decorations. A 30-metre-square chapel had been built on the six-acre site, constructed of ancient architectural fragments from various eras. Other items were a headless Roman statue of Aphrodite, a carved marble sarcophagus, three marble busts and two granite sphinxes. The villa belongs to Dimitra Papadimitriou of the wealthy shipping family, but is reported to have been owned previously by London dealer Robin Symes and his business partner, the late Christos Michailidis, Papadimitriou's brother (see P. Watson, 'The fall of Robin Symes', *CWC* Issue 15 (2004), 20–22). Police officers had previously raided a villa owned by the Papadimitriou family in Athens on 12 April.
- Further investigations at the Schinoussa villa revealed what might have been a workshop for producing copies ('New clues unearthed in complex antiquities case', *Kathimerini.com*, 19 April 2006).
- Greek media immediately began to speculate about a link with Greek items in the J. Paul Getty Museum, Los Angeles. Culture Minister Giorgos Voulgarakis said there was no evidence for this, but seals and packaging found on the island could be signs of commercial trafficking. Documentation found during the raid also indicated that many of the items had been purchased at Sotheby's or Christie's between 2001 and 2005, although none had been declared on entry into Greece.
- In late April, Constantinos Grispos, former mayor of Schinoussa and caretaker of the Papadimitriou villa, was arrested after four ancient amphorae were found at his home. He said he had retrieved them from the sea himself, and they are believed to be unconnected with the earlier antiquities haul.
- In March, 60 antiquities were seized during raids on two homes on the nearby island of Paros, one of which belongs to Marion True, former curator of the Getty. True claims the 29 antiquities were already in the villa in 1995 when she bought it. The Greek authorities expressed their intention to press charges against True (A. Carassava, 'Greek officials planning to bring charges against ex-curator', *New York Times*, 5 May 2006).
- Police in the United Kingdom confiscated several antiquities in the possession of a London dealer on the request of Greek authorities. A team of Greek archaeologists will travel to London to investigate their



provenance and possible illegal removal from Greece.

- While in London, Greek police also discussed the implications of the massive seizure of antiquities on the island of Schinoussa. They fear that publicity surrounding the case may cause dealers to sell on illegal items quickly, and believe that as the Schinoussa find may be part of a much bigger case it could lead to further breakthroughs. Greek police are also currently in close contact with their Italian counterparts.

- *June*: the United Kingdom will return to Greece a rare Roman coin, depicting Brutus, which had been in the possession of the UK-based Classical Numismatic Group. It was handed over to the Greek Embassy in London following an operation by British customs at Stansted airport. Two Greek men leaving Britain after a single day's visit were stopped and discovered to be carrying a large sum of money, which had been received in payment for the coin. The Greek government claimed the coin back under the terms of the EU Directive on the Return of Cultural Objects Unlawfully Removed from the Territory of a Member State. Eric McFadden, senior director of the Classical Numismatic Group, said he had bought the coin from two men in good faith, although one had been associated with the late Nino Savoca, who was known to deal in illicit antiquities. McFadden told the *Times* (see D. Alberge, 'Swoop by customs returns Brutus to scene of the crime', 15 June 2006): 'One does not refuse to deal with someone because he has a slightly dodgy background'.

- The new director of the J. Paul Getty Museum in Los Angeles has recommended to museum trustees the return to Greece of four artefacts — a gold funerary wreath (acquired for the museum in 1993 and a centrepiece of the collections), a stone torso, a tombstone and a votive relief. The

museum has not admitted any wrongdoing while the Greek government claim the pieces were illegally excavated.

- A 60-year-old shop owner in Iraklion, Crete, was arrested in June after antiquities, including an ancient funeral tablet, two vases, 27 ancient coins and six icons, were found in his possession. At present, there is no indication that the case is connected to international smuggling.



## Italy

- Rachel Sanderson of Reuters ('Getty trial spotlights Italy tomb raiders', 12 December 2005) interviewed Italian archaeologist Francesco Racano who works at Arpi, a Hellenistic and Roman cemetery in south Italy. He told how he arrives at work at 8 am in time to see the tombaroli leaving, and they return at 4 pm when he departs. As many as eight four-person gangs, armed with metal spikes, wire and metal detectors, might be working at any one time. Racano reported one failed night-time theft at Arpi when an attempt to lift a stone column with a crane failed and smashed the column. Previously robbed tombs are now being reopened by tombaroli and stripped of their frescoes. He also said that on one occasion local farmers had informed the police, but their crops had been burnt in a successful attempt at intimidation.
- In January, the United States and Italy extended for a further five-year period the Memorandum of Understanding that imposes US import restrictions on archaeological material representing the Pre-Classical, Classical and Imperial Roman periods of Italy.
- In April, New York police handed over a head from a first-century AD stone statue of Dionysus to New York's Italian consulate. The head had been severed from its torso in 1983 and passed through a Japanese



museum before being offered for sale at Christie's in December 2002. It was recognized and Christie's contacted the police.

- In June, journalists were shown an Etruscan tomb near Veio, north of Rome, believed to be the oldest known frescoed burial chamber in Europe and dating back to at least the seventh century BC. An Italian man arrested as part of the police operation against the 'Mozart' smuggling ring (see 'In the news', *CWC* Issue 17 (2005), 17), but who is now working with the authorities, revealed it to archaeologists in May. The frescoes depict roaring lions and migratory birds, and have for the first time provided archaeologists with information on decorative techniques described in ancient texts. Archaeologists also discovered various objects overlooked by looters because of a partial ceiling collapse, including decorated Greek vases, a sword and metal spits, a two-wheeled bronze chariot and brooches, a spindle, and other objects which may have belonged to a female buried in the chamber (E. Povoledo, 'Accused tomb robber leads police to ancient tomb in Italy', *New York Times*, 17 June 2006).
- Peter Watson, co-author of the *Medici Conspiracy*, told *Archaeology* magazine in a June interview that archaeologists in Italy believe looting is down by half since the Medici network has been broken.



## Robert Hecht and the J. Paul Getty Museum

The Rome trial of Robert Hecht and Marion True (see 'In the news', *CWC* Issue 17 (2005), 12–15) resumed on 16 December when the prosecution witness Maurizio Pellegrini, an expert on the analysis of documents, discussed correspondence in which True had thanked Medici for providing details of provenance about three Protocorinthian jugs. Pellegrini claimed that Medici's access to this informa-

tion shows him to have been in contact with tombaroli, and that True must have known it (E. Povoledo, 'Tempers heat up at trial in Italy on antiquities', *New York Times*, 17 December 2005).

The trial continued on 29 March 2006. A note said to be written by Robin Symes was shown to the court stating that the fourth-century BC Greek statue of Aphrodite acquired by the J. Paul Getty Museum in 1988 from Symes probably came from southern Italy or Sicily (see 'Aphrodite', *CWC* Issue 11 (2002), 24–6). Another hand-written note, this one from Italian Renzo Canavesi, claims that he sold the Aphrodite to Symes for \$400,000 and that his family had first acquired the piece in 1939.

On 7 April 2006, the prosecution alleged a conspiracy between Symes, Medici, Hecht, the Sicilian antiquities dealer Gianfranco Becchina and the New York and Geneva based dealers Ali and Hicham Aboutaam (F.C. Gattinara, 'Evidence of Getty Venus's illicit origin shown to court', *Art Newspaper*, May 2006). On 26 April the prosecution further alleged that Becchina had sold antiquities smuggled out of Italy to the Merrin Gallery of New York (A. David, Associated Press, 26 April 2006).

On 31 May 2006, the prosecution presented photographs of two marble griffins lying in the boot of a car partly wrapped in newspaper. The griffins are now in the Getty. The prosecution alleged that the Getty bought the pieces from Maurice Tempelsman in 1985 for \$6,486,004, with Robin Symes acting as intermediary (E. Povoledo, 'Photographs of Getty griffins in car trunk shown at Rome trial', *New York Times*, 1 June 2006).

On 18 June 2006, the *Los Angeles Times* claimed that an internal review carried out by the Getty has established that 350 Classical artefacts were bought from dealers under suspicion or convicted of trading in stolen artefacts (J. Felch & R. Frammolino, 'Getty's list of doubts multiplies'). This figure is in addition to the previously identified 52 pieces (see 'In the news', *CWC*, Issue 17 (2005), 13). When approached by the *Times*, the Getty declined to comment.



On 22 June 2006, the Getty announced that it had agreed with Italian authorities to return 'a number of very significant pieces' to Italy, though no details were released (T. Wilkinson, J. Felch & R. Frammolino, 'Tentative agreement reached to return some Getty art to Italy', *Los Angeles Times*, 22 June 2006).

## Israel

Overshadowed by judicial events in Rome, in Jerusalem the trial of Oded Golan, Robert Deutsch and Rafi Brown continued (see 'In the news', *CWC* Issue 16, (2005), 14), where they stand charged with faking a series of historically significant artefacts. Charges against two other people were dropped. In May, key prosecution witness Shlomo Moussaieff, who is a leading collector of West Asian antiquities, took the stand. He described buying several pieces from the accused that the prosecution allege to be fake, or to have been elaborated with fake inscriptions to increase their value. Moussaieff himself believes the objects are all genuine (M. Kalman, 'Trial sheds light on shadowy antiquities world', *Boston Globe*, 16 May 2006).

## France

France's new ethnographic Musée du Quai Branly opened in June 2006 in Paris (<http://www.quaibranly.fr/index.php?id=1>). It houses 267,417 ethnographic objects; 236,509 are from the Musée de l'Homme, 22,740 from the Musée national des arts d'Afrique et d'Océanie, and an additional 8168 objects have been acquired since 1998. According to continents, 97,372 objects are from the Americas, 70,205 from Africa, 54,041 from Asia, and 28,911 from Oceania. Only 3500 objects are on display, but the museum has set a new standard of public access by providing an on-line catalogue of its collections, including

— unusually — information about donors and provenance, that will form a primary resource for research into the history of ethnographic collecting.

## Bulgaria

- According to the *Middle East Times* ('Looter-smugglers ravaging Bulgaria's cultural history', 5 April 2006), treasure hunting in Bulgaria has escalated rapidly since the fall of communism and ensuing economic hardship.
  - Looting has become a profession around the village of Archar in northwestern Bulgaria (the ancient Roman site of Ratsiaria) where 99 per cent of the population are unemployed.
  - Treasure hunting reached feverish levels there in 2000. Bulldozers worked the area at night, and two people were killed under piles of earth that they were sifting for treasures.
  - The area around Archar now resembles 'the surface of the Moon'.
  - Around 3000 cases have been lodged against looters at the Vidin regional court, but there have been few convictions because of slow and ineffective legal processes.
  - According to Bozhidar Dimitrov, director of the National Historical Museum in Sofia, two-thirds of 15,000 fourth-century BC to third-century AD burial mounds in Bulgaria have now been plundered.
  - When caught in possession of artefacts, looters simply say they are on their way to the museum.
  - Ancient coins and jewellery worth \$1.5 million were stolen from the Veliko Tarnovo museum in February and have probably now been smuggled abroad.
  - Dimitrov believes that the 1969 antiquities law needs updating as it does not regulate private collections (since at the



time everything belonged to the state) and that new police powers to deal with treasure-hunting are necessary.

- Polina Slavcheva and Boryana Dzhambazova investigated treasure-hunting in Bulgaria for an article in the *Sofia Echo* ('Reading room: opening the lid on Bulgaria's cultural treasure trove', 3 April 2006) which revealed that:
  - More than 200,000 treasure-hunters, driven by the hope of monetary gain, are 'working' on about 1000 archaeological sites in Bulgaria, with few monuments and sites left untouched.
  - Politicians have moved the law in favour of private collectors and legalized collections in the past six years.
  - The recent theft of artefacts from the Veliko Turnovo Museums has led to public debate over the future and protection of Bulgarian heritage.
  - The Prosecutor-General has ordered an investigation into the collections of Vassil 'The Skull' Bozhkov and Dimitar Ivanov.
  - Public opinion seems to agree with a report from the Italian Balkan research centre, which concluded that Bulgarian collections amassed from the 1990s are sourced directly from illicit excavations and are allegedly used for money laundering.
  - A 2005 law now offers patrons of the arts tax, interest, customs and other benefits as well as a listing on the Culture Ministry's Internet site.
  - Protection of cultural heritage has been underfunded since the fall of communism, leading to examples of looting like that at Muglitzh where two tombs were ransacked by thieves, while five Thracian royal tombs near Kazanluk were looted because of delayed, or lack of, action by the Ministry of Culture.
  - An expert at the National Institute for the Protection of Cultural Monuments told *Sega* newspaper in 2005 that looters sell artefacts to dealers who then make

a 2000 per cent mark up.

- Archaeologists are frustrated because, unlike them, looters work all year round, do not have to wait for research funding, operate in large teams, with six, eight or 10 people 'working' at a time, covering sites with holes from 20 cm to 8 m in diameter.
  - Smilian Todorov, cultural anthropologist at the Southwestern University in Blagoevgrad, says he has given up distinguishing between looters, collectors and archaeologists. The separation between the groups is blurred, with collectors like Ivanov having shown his collection and paying rent to the National Archaeological Museum, and Bozhkov openly admitting he buys recently looted material, but arguing that he is saving Bulgaria's culture.
  - But Todorov points out that looters, often driven by poverty, avoid damaging archaeological excavations and sometimes sprinkle holy water over graves they have despoiled.
  - A *Rousse* newspaper reported that a treasure hunter's defense in court was his and his wife's unemployment combined with the need to support their baby.
- On 24 June the Sofia News Agency reported that police raids in the northern town of Knezha recovered 4000 Roman and Byzantine coins and an assortment of other artefacts.



## Romania

An article in the *Sunday Herald* ('Raiders of the lost art', 25 June 2006) reports that, in Romania, looting gangs using modern technology such as metal detectors are damaging archaeology as they search for the legendary treasure of King Decebalus, hidden in AD 106 and never found by the Romans.



- The damage to archaeology in the region is escalating, and Dacian expert Jerome Carcopino says the quest has led to a flood of illegally excavated Dacian gold on the international black market.
- Archaeologist Mihai Castian has compiled a map of looting in the area. He believed that treasure-hunters are now concentrating on the village of Cetatua, Hunedoara county, having previously attacked Cucuiș, particularly the castle of Colniș, Glăjarie, Golu and the castle of Sibiel.
- 33 recent illegal excavations have been recorded on archaeological sites in Hunedoara county.
- The trial of six alleged smugglers in Deva, Transylvania, has shed some light on the scale of plunder. Authorities claim they had links to international dealers such as an Austrian from Linz, codenamed 'Mozart' (See 'In the news', *CWC*, Issue 17 (2005), 17).
- Since 1990, more than 20,000 Dacian coins have been smuggled out of Romania and sold on the art market for more than €20 million. A further 7845 gold coins, and 190 smuggled golden artefacts have been returned.
- The accused have become virtually untouchable by law, allegedly protected at high levels by politicians and the secret service, who are now being sub-poenaed to give evidence.



## Turkey

- *May (Turkish Daily News, 15 May 2006):* The Culture and Tourism Ministry released a list of hundreds of cultural artefacts stolen from museums, collectors and archaeological sites in the country. The objects ranged from prehistoric to Ottoman era items,

and the largest category was handwritten books.

- Following an anonymous tip off to a government official in Usak, western Turkey, it was discovered that objects from the Croesus Treasure (also known as the Lydian Hoard, and previously displayed by the Metropolitan Museum of Art as the East Greek Treasure) had been replaced by fakes. The Croesus Treasure had been returned to Turkey in 1993 following a lengthy and expensive court case with the Metropolitan, at which time Turkish museum curator Kazim Akbiyikoglu was hailed a hero. Akbiyikoglu is now under arrest, along with six others, for the alleged theft of several items, including the centrepiece gold brooch, which is shaped like a winged seahorse.

Akbiyikoglu has responded that one piece was already missing when the material arrived in Usak from the Ankara Anatolian Civilisations Museum in 1996, and that the substitute of a fake for the seahorse brooch could have happened at the Metropolitan ('Museum head: the 'treasures of Croesus' were incomplete when I got them', *Hurriyet.com.tr*, 13 June 2006). The case has galvanized the culture ministry to investigate and inventory museums and it appears several others have suffered losses.

- In June, Ali Yigit, manager of a museum store at Kahramanmaraş in south-central Turkey was arrested when it emerged that 545 ancient coins in the collections had been swapped for fakes.
- The case has also bolstered the arguments of collectors and dealers that the safest place for valuable antiquities is richer countries, and that theft alone is not sufficient reason for their repatriation (see 'Were Turkey's stolen treasures and inside job?', *Time*, 14 June 2006).





## Guatemala

*June 2006:* Archaeologists and officials were surprised and delighted when a Maya carved stone box that had been looted from a cave shrine was anonymously returned in a box to the Ministry of Culture. An unsigned note, apparently from a private buyer, indicated that it had been purchased in good faith, and only later was it learned to have been stolen following a high-profile enquiry and publicity campaign launched when the theft was noticed in April. Archaeologist Brent Woodfill believes pressure from the campaign was risky, because such publicity often causes stolen objects to disappear for years, but may in this case have contributed to the swift return (see 'Priceless Maya stone vessel looted in Guatemala', *National Geographic News*, 5 May 2006; 'Looted Maya treasure returned anonymously', *National Geographic News*, 9 June 2006).

## The market

Quoted in the *New York Sun* (14 April 2006) Hicham Aboutaam of Phoenix Ancient Art says:

- The company sells on average 50 pieces annually at prices ranging from \$5000 to \$5 million, although he would not divulge how much it makes per year.
- His recent run in with the law after being found guilty of wrongly completing US Customs documentation when importing an Iranian silver rhyton (see 'In the news', *CWC*, Issue 14 (2004), 12), was a 'wake-up call' and has not affected business with 2005 being a record year for sales.
- Fewer objects are being traded because of problems providing documentation, but those rare pieces with good verifiable provenance are fetching ever higher prices.

- Some long-term collectors have withdrawn from the antiquities market because of recent controversies, but newcomers have joined hoping for increased returns because of the risks.

## Ethical debate

Lawrence E. Stager, an archaeologist at Harvard University (and board member of the Shelby White-Leon Levy Program for Archaeological Publications), has drafted a statement against publishing restrictions on inscribed objects, which has been posted on the website of the *Biblical Archaeology Review*. By May, it had been signed by more than 100 scholars from the United States and Europe. The statement argues that publication guidelines preventing scholars publishing unprovenanced antiquities are causing them to 'close their eyes to important information' and censoring knowledge, and that such restrictions are 'scare tactics'. (see H. Eakin, 'Archaeologists debate whether to ignore the past of relics', *New York Times*, 2 May 2006).

Representatives of the associations who issued the publications guidelines, the Archaeological Institute of America (AIA) and the American Schools of Oriental Research (ASOR), argued that they had been misrepresented and that the rules are more flexible than Stager's statement implies. Recently ASOR adopted a special policy allowing publication of unprovenanced cuneiform texts from Iraq with the prior approval of the Iraqi State Board of Antiquities. The AIA recently revised their policies to allow their journal to publish unprovenanced antiquities when such publication was highlighting looting issues.

## China

- At New York's Asia week in March there was a panel discussion of China's cur-



rent application to the USA for an import embargo to be placed on Chinese artefacts under the terms of the Cultural Property Implementation Act. Concern was expressed by the New York trade community that the growing antiquities market inside China itself would limit the effectiveness of any US action (C. Picard, 'Dealers lobby against US embargo on Chinese imports', *Art Newspaper*, May 2006).

- *Chinaview* ('Tomb robbers hit 1/3 of archaeological sites', 11 May 2006) reports on the escalating destruction of archaeological sites in China:
  - Of 25 archaeological sites nominated to be the Top Ten Archaeological Discoveries of 2005, archaeologists said 10 had been damaged and looted in the past two years.
  - Song Jianzhong, deputy director of the Archaeological Institute of Shanxi Province, described the situation of the 3000-year-old Western Zhou Dynasty tombs in Jiangxian County.
    - Archaeologists rushed to the site on hearing of tomb robbing.
    - They carried out rescue excavations on 191 tombs. An estimated 100 of the possible 300 tombs at the site remain unexcavated.
    - 11 had been looted.
    - In one, tomb robbers had left a bronze artefact wrapped in newspaper.
    - Nine looters holes in the tomb led archaeologists to speculate that three or four groups of thieves may have been active there in the past two years.
    - Lin Liugen, director of excavations of tombs in Jiangsu Province, said the interior structure of tombs has been ruined, and many artefacts stolen.
  - Archaeologist Zhang Zhongpei blames people's ignorance and corruption.
  - Shan Jixiang, director of the State Administration of Culture Heritage, has suggested that a special police task force is set up to protect cultural heritage.
  - A survey 20 years ago indicated that

there were more than 400,000 archaeological sites in China, but it is estimated that a third have now been destroyed by human activities. Archaeologists would like to see the study updated to assess the present situation.



## Raising awareness

A multi-media, travelling exhibition about illicit trade of antiquities in Greece, Cyprus and the world, is to be displayed at four European archaeological museums (in Athens, Nicosia, Corinth and Nemea). The exhibit, organized by Anemon, the Illicit Antiquities Research Centre, the Cyprus Department of Antiquities, the 37th Ephorate of Antiquities (Corinth) and the University of the Aegean, with the support of the Culture 2000 programme of the European Union, includes multi-media touch-screen displays, interactive games and video screenings, and is designed to reach a diverse audience. It will be supported by educational activities and a press campaign. For further information visit [www.anemon.gr](http://www.anemon.gr).



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## US art museum accessions

NEIL BRODIE

In February 2006, the Association of Art Museum Directors (AAMD) released a statement concerning the effect of US art museum purchases on the antiquities trade. Entitled 'Survey shows museum antiquities purchases are less than 10% of global trade', the statement was reporting on the results of a survey of AAMD members' acquisitions practices regarding antiquities. The AAMD did not release the actual text of the survey, its statistics, nor its raw data, so it is not possible to interrogate the claims made in the statement with any degree of rigour. Nevertheless, the findings reported were:

- the members of the AAMD spent, in aggregate, an average of \$7 million per year on antiquities acquisitions over the last five years;
- of the AAMD's 169 members, 53 actively collect antiquities;
- of these 53 members, 87 per cent have a collections policy specifically addressing the responsible acquisition of antiquities;
- 66 per cent of these members' policies draw on the guidelines AAMD approved in 2004 for the acquisition of antiquities and archaeological material; an additional 17 per cent are in the process of revising their policies to incorporate AAMD's guidelines;
- over the past five years, 98 per cent of the antiquities purchased by member museums have complete, post-1970 provenance (the year of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property);

- of all acquisitions of antiquities — gifts and purchases combined — 86 per cent have complete, post-1970 provenance information; and

- over the last five years, eight museums report having settled an ownership claim concerning one or more objects on their antiquities collections.

Commenting on these findings, the president of the AAMD and director of Newark Museum, Mary Sweeney Price, claimed that 'The results of this survey clearly show that the forces driving the antiquities trade lie outside of the American art museum community'. Her claim, if true, is clearly an important one. Many researchers, myself included, have argued that for the past fifty years US art museums have been the primary cause of the trade in illicit antiquities. If it is not true, or if it is no longer the case, then strategies for ameliorating the damaging effects of the trade must clearly focus elsewhere. The question is then, how reliable are the findings on which Mary Sweeney Price bases her claim?

A first problem is a terminological one. There is no definition of what categories of objects the survey or its respondents considered to be antiquities. It would be useful to know, for example, whether ancient objects from south and east Asia and Africa were included. If the survey was restricted to the products of ancient civilizations of the Mediterranean, West Asia and the Americas, its general validity might be seriously compromised. There are also specific criticisms that can be aimed at several of the statement's individual findings.

*The members of the AAMD spent, in aggregate, an average of \$7 million per year on antiquities acquisitions over the last five years.*

No one has ever suggested that museum purchases alone drive the market. The impact of museums



derives from total acquisitions, including gifts and bequests as well as purchases. In April 2006, for example, an *Art Newspaper* survey of US museums listed as many significant antiquities acquired by gift as by purchase (Stoilas 2006). Another important point is that museum standards of acquisition provide a moral example, which private collectors might emulate. If all museums refused to acquire unprovenanced pieces, many private collectors would follow suit. Thus the criticism of art museums is that the material and moral consequences of their acquisitions practices together do exert a significant and perhaps primary effect on the market, no matter what their direct purchasing power.

*Of the AAMD's 169 members, 53 actively collect antiquities.*

The AAMD membership includes Mexican and Canadian museums. In fact, the AAMD has 157 US members, of which at least 66 have antiquities collections (with antiquities defined broadly to include Asian and African objects). There are also another dozen or so antiquities collecting museums that are not members of the AAMD, though it is probably fair to say that all the major collecting museums are members. It is not clear what the AAMD considers to constitute active collecting. It might mean that antiquities are acquired actively through purchase, or passively through donation. On the other hand, it might mean that non-active collectors are not seeking to expand their antiquities collections by any means whatsoever.

*Of these 53 members, 87 per cent have a collections policy specifically addressing the responsible acquisition of antiquities; 66 per cent of these members' policies draw on the guidelines AAMD approved in 2004 for the acquisition of antiquities and archaeological material; an additional 17 per cent are in the process of revising their policies to incorporate AAMD's guidelines.*

This finding implies that a collections policy based on the AAMD guidelines is a responsible one. Unfortunately, although the AAMD obviously intends its guidelines to frame what it considers to be 'responsible' collecting policy, not everyone agrees. Article E, 'Incomplete Provenance', of the guidelines suggests that an

acceptable provenance is one that demonstrates an object to have been out of its country of origin for more than ten years. Outside the US art museum community, this ten-year provenance rule would not be considered acceptable. There is a broad measure of agreement that an acceptable provenance should stretch back to before 1970, the date of adoption by UNESCO of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

*Over the past five years, 98 per cent of the antiquities purchased by member museums have complete, post-1970 provenance (the year of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property); of all acquisitions of antiquities — gifts and purchases combined — 86 per cent have complete, post-1970 provenance information.*

This finding would appear to reveal that most AAMD members have disregarded the AAMD ten-year recommendation and are in fact adhering to the more stringent '1970 rule', as outlined above. If the evidential base of this statement is independently verified, it will constitute a clear 'not guilty' verdict on the part of the art museums when faced by allegations that they are responsible for the trade in illicit antiquities.

There is a dearth of information available about the antiquities trade, or about the relationships between the trade and museums. The AAMD is to be commended for taking the time to collate information on this subject, and should release it forthwith into the public domain. In the meantime, it is worth noting that the proprietors of Phoenix Ancient Art, one of New York's leading antiquities outlets, think that sales to museums make up about half their business, and that museums continue to buy 'top pieces', which they define as 'million dollar works' (Berman 2006).

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## Book reviews

**A review of *Going, Going, Gone: Regulating the Market in Illicit Antiquities* by Simon Mackenzie** (2005. Leicester: Institute of Art and Law; ISBN 1-903987-07-5).

PATTY GERSTENBLITH

Many observers of the antiquities trade view the year 2005 as marking a watershed. Former Getty museum curator Marion True went on trial in Italy along with the dealer Robert Hecht for conspiring to deal in antiquities stolen from Italy. Italian authorities named several American museums, and a few located elsewhere, as possessing antiquities stolen from Italy. This activity culminated in February 2006 with the announcement that the Metropolitan Museum of Art would return to Italy the famed Euphronios krater, the Hellenistic silver (reported to be from the site of Morgantina in Sicily), and several ancient vases. While openly acknowledging only past improprieties, the Metropolitan's director, Philippe de Montebello, tacitly admitted Italy's rightful claim to the antiquities excavated in its soil and the wrongfulness of acquiring undocumented antiquities. While these developments were many years in the making, since they were based on evidence discovered in 1995 by Swiss authorities when they raided a warehouse in Geneva belonging to the Italian dealer, Giacomo Medici, to the casual observer it would appear that these actions represent a sudden spurt in successful law enforcement by the countries of origin and a rapid change in the landscape of antiquities acquisitions. Finally, Professor Malcolm Bell (2006) commented on Simon Mackenzie's book as 'a revealing analysis of the inner workings of the market. The publication of Mackenzie's book is another milestone in this watershed year'. It is rare that the publication of a book is considered a milestone, yet the accumulated evidence that it presents, which is built on and should be viewed in context with several other empirical studies of the workings of the antiquities market, may well constitute an essential ingredient in the progress that was made this past year.

Simon Mackenzie's book, *Going, Going, Gone: Regulating the Market in Illicit Antiquities*, is a valuable study based on empirical evidence of the illegal trade in antiquities. This trade is the

motivating force behind much of the looting of archaeological sites which occurs throughout the world and the concomitant loss of context and damage to the historical and cultural record. Mackenzie's work thus fits within a growing corpus of empirical studies of the operation of the antiquities market, and it is worth first situating Mackenzie's study within the growing body of literature that examines the antiquities trade and its role in archaeological looting. We can also at this point identify the first two phases of market studies and now a transition to a third phase. The first phase of such studies began with quantitative evaluations of the auction market, epitomized by the work of Christopher Chippindale and David Gill (Gill & Chippindale 1993; Chippindale & Gill 2000), Ricardo Elia (2001), Elizabeth Gilgan (2001) and Neil Brodie (2006).

This initial phase was followed by a series of ethnographic studies of the looting of sites and the pathway of looted artefacts to the market in Peru (Atwood 2004), Iraq (Farchakh 2004; 2005), and Turkey (Roosevelt & Luke 2006). These ethnographies of looting shed considerable light on the reasons why looting occurs and how it has changed over the years. While low-level, endemic looting of sites seems to have occurred in many parts of the world for a long time, it was limited in scope and, in some places, it contained a para-religious element. More recently, looting has taken on much larger proportions and has been transformed into a full-scale commercial operation fostered by middlemen who offer large sums to those who bring choice objects or who keep looters on retainer (Watson & Todeschini 2006, 292). These studies demonstrate that the character of looting has changed dramatically and is now much more clearly market demand-driven than it was in the past.

As useful as these ethnographic studies are, they are based largely on the anecdotal experiences of the authors. Mackenzie's work introduces a third phase of studies, combining a rigorous methodology, in-depth interviews with market participants, and theoretical models based on the operation of other criminal markets. Mackenzie is able to do this because of his sound knowledge of criminology and the law, which he brings to his study of the antiquities trade. As such, his book adds considerably to our understanding of how the antiquities market functions and fits it within the context of other criminal markets.<sup>1</sup>



Mackenzie's book has two themes. The first is a study of the conduct and motivations of the participants in the antiquities market based on interviews with dealers, lawyers who represent dealers, collectors, and museum professionals, as well as a few archaeologists, in London, New York, Switzerland, Australia and Thailand. The second theme is a study of the law as it applies to this and other illegal markets. The book's ultimate success in melding these two themes depends on Mackenzie's ability to formulate new paradigms for approaching the illegal conduct of the antiquities market.

The book opens with three introductory chapters. The first offers an overview of the problem of looting of archaeological sites, drawing on several case studies and the market research of Elia and of Chippindale and Gill. It details some specific examples of looting from Thailand, the appearance of Thai artefacts in the United States, and the use of Thailand as a transit market for artefacts looted from Cambodia and Myanmar. The third of the introductory chapters gives an overview of the legal system crafted to deal with the problem of looting focusing on the domestic laws of an archaeologically rich nation (Thailand) that are intended to prevent looting, the international legal instruments, and the domestic regimes of three market countries, the United States, the United Kingdom and Australia. This chapter is of particular value to those who are interested in this problem but are without detailed legal knowledge of these laws and international conventions. Mackenzie (rightly) concludes that these legal constraints are not adequate to deter the market in looted antiquities.

The second chapter looks at the structure of the antiquities market and introduces the methods by which market participants do business. Market participants indulge in a significant amount of denial about what they do. Many recognize that there are looted/stolen artefacts and unethical dealers, but they all profess that they themselves do not engage in any shady practices and conduct their business in an ethical manner. Because the market, particularly for expensive, high-end artefacts, is restricted to a relatively small circle of dealers and buyers, an individual confronted with illegality will not report anything to law enforcement authorities. Market participants delude themselves into thinking that they are legally protected by dealing only

with those they know and trust and by engaging in transparently ridiculous ruses.

This chapter also offers an introduction to the market's response to the problem of unprovenanced antiquities. To justify their dealing in antiquities without clear provenance, participants offer four main excuses: the desire to protect the seller by not asking too many questions; the desire to maintain a competitive edge against other dealers; the fiction that many of the antiquities on the market are the result of chance finds and the accompanying rationalization that this excuses sales that may be illegal; and the notion that lack of provenance information does not mean that an artefact is looted. Buyers fall into three categories of attitudes toward the lack of provenance: one group says they will buy only if they have documented provenance (however, Mackenzie's interview sample included none in this category); one group engages in the fiction that undocumented antiquities are chance finds and this makes their acquisition legitimate (although they fail to explain why); a third group does not seem to care about provenance. This rationalization — that the source of unprovenanced antiquities is chance finds — is the newest mantra used by museum professionals and others to justify their collecting practices. However, this idea ignores the fact that chance finds are generally not in sufficiently good condition to make it into the international antiquities market. True chance finds are found near the surface and will be fragmentary, scattered and weathered. It therefore is not credible that most antiquities on the market are chance finds. In fact, one collector went so far as to classify any objects found by digging not carried out by an archaeologist as chance finds!

Chapter 4 turns to a comparative analysis of two other illegal markets — that in drugs and that in endangered species. The most interesting conclusion here is the similarity between antiquities and endangered species, but the trade in endangered species is subject to a much greater degree of regulation. Mackenzie finds the Australian system of requiring an export license from the country of origin before an import license is granted particularly instructive. It is difficult to understand why many countries, including the United States, regulate trade in endangered species much more closely and successfully than they regulate the trade in antiquities, despite the similar policies underlying both systems of regulation.



Legal controls on the trade in drugs are much more severe and also more successful. Mackenzie attributes this, in large measure, to laws that criminalize possession and therefore empower local police forces, rather than relying only on import controls enforced at the border. However, Mackenzie also observes a crucial distinction: the negative effects of the illegal drug trade are largely felt in the market countries, thereby providing incentive for those countries to enact and enforce legal controls while also providing financial inducements to the source countries to restrict the production of illegal drugs. On the other hand, the negative effects of the illegal antiquities trade are largely felt in the countries of origin — about which the market countries (and their publics) do not seem to care sufficiently to enact effective market controls or to assist in reduction of looting by fostering alternative sustainable economic development in the countries of origin. Mackenzie concludes this chapter by analyzing market participants as white-collar criminals. Particular forms of deterrents are effective for white-collar criminals because they decide whether to engage in criminal conduct based on a rational cost/risk-benefit analysis and loss of social bonds, status, prestige, and employment serves as a serious deterrent to criminal behaviour. The closest parallel is between art dealers and insider traders, because both are primarily motivated by the desire for profit. Insider trading is particularly susceptible to deterrence through a proper regulatory climate in which the risk of detection and punishment is sufficiently certain that it shifts the risk/benefit calculation.

The fifth and sixth chapters return to interviews with market participants. These interviews offer extensive primary source material for an understanding of the workings of this market in the words of the participants who describe their own conduct and that of their peers. Mackenzie explains their self-justification and rationalization of criminal conduct through processes known from other forms of white-collar crime. In the first process, neutralization, market participants justify their conduct in terms of the purported benefits they bestow by rescuing cultural objects for the good of all humanity. They also believe they are the only people who truly appreciate the beauty and aesthetic value of ancient art. In the second process, blaming the victim, market participants blame and

find fault with others, primarily archaeologists and the 'source' countries.

Because the conduct of white-collar criminals is heavily influenced by a risk/benefit analysis, Mackenzie explains their decision making process as based on three forms of 'balance sheets': the practical, the moral and the social balance sheets. On the practical balance sheet, the risk of detection and punishment in the illegal market is considered small, thus providing incentive to engage in illegal conduct. Particularly because the criminal law is built on the requirement of proving that a defendant had the necessary criminal intent or knowledge, the likelihood of a successful prosecution is relatively small. Therefore, the cost to the market trader is low in terms of both risk of detection and risk of incarceration or serious financial loss.<sup>2</sup>

On the moral balance sheet, antiquities dealers use the methods of self-justification previously discussed to conclude that their actions are not inherently wrong. This self-delusion is assisted because most antiquities on the market do not have provenance; some have a legitimate background, but most do not. However, the market participant can rationalize that the particular object he or she is contemplating buying is one of the legitimate ones or is a chance find, which most market participants identify as legitimate. On the social balance sheet, the actor views his or her actions in terms of society as a whole, rather than a specific victim (who has become invisible through the loss of empathy). The actor then determines that he or she is entitled to engage in this conduct because of something that 'society' owes him or her. Mackenzie concludes that the goal of a legal system should be to increase the risk of detection and punishment, increase empathy for others, and reduce the feeling of entitlement, thereby moving participation in the antiquities market into the liability columns of the three balance sheets. Based on these analyses, he then offers a new solution to the problem of the international trade in looted antiquities.

In his final chapter, Mackenzie turns to proposing an alternative legal structure modelled on a pyramid. The bottom of the pyramid consists of broader self-regulation by the market and the top of the pyramid consists of clearer legal prohibition with the consequence of higher risk of criminal conviction and more severe punishment. The essence of Mackenzie's proposal is that nations



should adopt a legal rubric based on the registration of all antiquities that are currently held in collections (whether museums, private collections or dealer and auction house inventory). All antiquities currently in collections could be freely registered and this would, admittedly, launder title to these objects, regardless of whether they were obtained legitimately or not. However, for any antiquity to be registered after this system was enacted, the owner would have to demonstrate clear legitimate title and excavation history.

Mackenzie's suggestion has much merit in that the presumption concerning undocumented antiquities needs to change. The only way to address the problem of looting is to discourage (if not prohibit) the market in antiquities that do not have a clear legitimate background. Even the trade-off of legitimating antiquities currently in collections might be worthwhile, if we could thereby assure that all antiquities looted in the future would become unsaleable and the legal consequences to those who trade in such antiquities would be sure, swift and severe. However, before such a system could be seriously considered, we must recognize the difficulties in creating a foolproof registration system. Can antiquities (other than the few major pieces) be sufficiently identified in a registry so that recently looted artefacts could not be switched for others that were previously known and registered? Could we assure, even with modern technology, that no new artefacts would enter the market system?

I tend to doubt that this system would be workable and foolproof. Kersel's study of the registration system of antiquities in Israel demonstrates the difficulties in enforcing such a system<sup>3</sup>. It requires the devotion of government and law enforcement resources as well as the voluntary cooperation of dealers — elements that are clearly not present in the Israeli system. There is no reason to believe that any other system could be better administered. Thus, while Mackenzie brings much needed attention and analysis to the problem, in the end his solution is likely to prove as unworkable as the current legal system. The only change that would work, or at least improve the current situation, would be a reversal of the burden of proof — that is, for a dealer to trade or a museum or private collector to buy antiquities, a solid provenance history that goes back to some mutually-agreed date (such as 1970) or the date of

enactment of a particular country's national ownership law must be offered. As Mackenzie states at the outset, 'Just as justice must not only be done but be seen to be done, so antiquities must not only be licitly excavated and traded, but must be seen to be licitly excavated and traded' (p. 21).

Despite these difficulties with Mackenzie's proposal, the book makes a significant contribution to our understanding of the interplay between the law and the market in antiquities. The insight it offers into how market participants think and operate and the self-justifications they utilize are fascinating. For this reason, Mackenzie's book is well worth reading for anyone interested in trying to reduce market demand for archaeological artefacts and thereby aiding in deterring the looting of archaeological sites.

## Notes

1. Also fitting into the genre of this third phase is a doctoral dissertation recently completed by Morag M. Kersel, *License to Sell: The Legal Trade of Antiquities in Israel* (2006, University of Cambridge). Kersel studied the market for antiquities in Israel utilizing interviews with all those concerned with the antiquities market (dealers, collectors, archaeologists and government officials). This market presents an interesting combination of legal and illegal elements.
2. In the United States, for example, much of the regulation of the antiquities market is achieved through civil rather than criminal law. The United States' implementation of the 1970 UNESCO Convention through the Convention on Cultural Property Implementation Act of 1983 (CPIA), 19 U.S.C. §§ 2601–13, functions by prohibiting importation into the United States of antiquities that belong to certain designated categories of artefacts and cultural objects that had been stolen from a documented collection in a public institution. However, the only consequence for violating the CPIA, even for an intentional violation, is the forfeiture of the artefacts in question. The importer loses little financially and bears no risk of criminal prosecution, even if detected. The CPIA therefore provides little disincentive to the importation of looted artefacts.
3. See *supra* note 1.

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**A review of *Stealing History: Tomb Raiders, Smugglers, and the Looting of the Ancient World* by Roger Atwood** (2004. New York: St Martin's Press; ISBN 0-312-32406-5).

GORDON B. LOBAY

It is now widely accepted that the looting of archaeological sites is prolific, occurring on a global scale with severe consequences for our knowledge of the human past. Unfortunately, what is less widely accepted is an effective manner in which to contend with the problem. In his new book *Stealing History: Tomb Raiders, Smugglers, and the Looting of the Ancient World*, Roger Atwood reports on the situation in Peru, highlighting some of the people, situations and qualities that have affected how this nation now manages its

cultural heritage. His goal is to demonstrate how Peru 'brings together within its borders all the characteristics of the antiquities trade' (p. 14). His large amount of qualitative data is gathered from looters, middlemen and antiquities dealers in Peru, as well as dealers, collectors and law enforcement officials in the United States. He hopes that the example of looting in Peru 'will serve as a kind of case history for other peoples' (p. 14), and help to illustrate the possibility of a better future with reduced destruction of the archaeological record. He also relates the remarkable story of the renowned Peruvian archaeologist Walter Alva, who has worked tirelessly to change attitudes towards looting in both Peru and abroad.

The book is organized into three parts; preceding part one is an introductory chapter entitled 'Looters in the Temple' that is intended to demonstrate the problem of looting to the general reader. Atwood accomplishes this task by relating his first-hand experiences at the ancient site of Isin, in southern Iraq, one month after the fall of Saddam Hussein in 2003. His account of events in Iraq during this tenuous time provides the perfect atmosphere within which to demonstrate the consequences of looting, anywhere in the world. The author then discusses several consequences in Peru. He explains that 'when those sites are ransacked by looters, all that knowledge is lost. All we are left with are random objects that may be beautiful or valuable but which tell us very little about the people who made them' (p. 9). The author goes on to say that he has met many collectors who demonstrate their genuine 'love, appreciation, and sincere connoisseurship for the antiquities they own' (p. 9), but by purchasing unprovenanced objects 'they are contributing to the destruction and depriving themselves and all of us the full breadth of understanding that might be gained if the pieces had been properly excavated' (pp. 9–10). Such straightforward explanations about the importance of gaining 'all' possible knowledge from an archaeological site, the damage that looting causes, and how purchasing unprovenanced antiquities contributes to the problem, are all fundamental points to make to the general public and Atwood accomplishes this eloquently.

Part one of the book takes the reader on a journey through Peru to meet a group of looters, led by a young man known only as 'Robin', that Atwood accompanies on a looting expedition. The reader



learns the importance of the qualitative data gathered by Atwood as he demonstrates an intimate knowledge of how these particular people operate, and how they perceive of their own actions, even their superstitions (p. 20). During a bus trip on their way to loot a site, it became evident just how in touch the looters are with current trends in the market. When asked what types of objects they normally look for, the answer was 'We don't look for ceramics anymore because they are hard to sell, except for the best pieces ... But we don't get many orders for ceramics, I guess because too much of it entered the market at once ... What people want these days is textiles... So we look for textiles' (p. 22). Atwood subsequently notes that this evaluation of market activity at the time was almost identical to what he had been told from dealers and collectors in America (p. 22).

The next chapter introduces another group of protagonists, the Bernal brothers and their colleagues who found the famous Moche gold back-flap in Tomb One of Huaca Rajada at Sipán (Alva 2001). Atwood explains how their family has a long tradition of looting as a weekend diversion or activity between harvests (p. 38); however, he explains that

the Bernal brothers were a new kind of looter. They didn't care about *pagos* [paying a shaman to eradicate curses from tombs] or incantation or shamans. Once they found a tomb, they cared only about getting the priciest stuff out, selling it to their dealers as quickly as possible, and dumping the rest (brackets mine, p. 39).

This implies that both 'Robin', his colleagues, and the Bernal brothers completely understood the demand side of the industry in market countries. Through his experiences with these groups, Atwood gained a vast amount of detailed information about how and why they began and continue to engage in these activities. He later includes a comment by Walter Alva who says that even though 'poverty, rural isolation, and lack of opportunities in legal industries contributed to destruction of ancient sites ... Looting was also the product of Peruvians' lack of pride in their past' (p. 53). It is also interesting to learn how looting has changed in recent times with better transportation, technology, and communication that place buyers and dealers closer to the source (pp. 12, 28, 31).

Part two of the book begins with a chapter that digresses from the discussion of Peru to discuss the problem of looting in other parts of the world,

its history, and some of the current legislative countermeasures (primarily US). A rather lengthy discussion of the familiar story of Lord Elgin and the Parthenon Marbles ensues, to make an interesting point about how Elgin's sale of the Marbles to the British nation 'began a long tradition of collectors getting the state to finance, directly or indirectly, their plunder of antiquities' (p. 141). He then argues one of the most important points of the entire book, that 'in the United States today, tax laws perform much the same function by allowing collectors to donate looted goods to museums in exchange for a deduction' (p. 141). The short discussion of US tax law that follows on pages 141, 142 and 157 illustrates how it affects the inflow of artefacts to US museums; in part three of the book he suggests a way of stopping this apparent loophole.

Part two continues by elaborating on the looting of Sipán and tracking the famous Moche gold back-flap on its route from the looters to middlemen, dealer, and then its trip to the USA, where FBI agents were already attempting to infiltrate this criminal network, and reveals how a Panamanian Consul General became involved in smuggling the back-flap into the USA. FBI agents managed to help retrieve yet more loot from Sipán, this time from a museum in Albuquerque, New Mexico. Atwood does a masterful job weaving all of these fascinating stories together, demonstrating how objects move from source to market nations, and relating how law enforcement in America is attempting to expose and eliminate the smuggling of illegal objects into the USA.

Part three begins with a description of how locals in Úcupe, another Peruvian community with problems of looting similar to those at Sipán, are using vigilance to protect their sites, which is similar to the model suggested by Alva for Sipán (p. 232). Then Atwood briefly returns to Iraq to make the point that the international community, including government, police, cultural institutions and dealers, cooperated quickly to track down objects stolen during the looting of the National Museum in Baghdad (p. 242). His point it seems is that the international community should come together to help deal with looting everywhere. On a more critical note related to Iraq, Atwood later states in the Epilogue that the entire Cultural Property Advisory Committee (CPAC) 'resigned *en masse*' (p. 268) in protest over the lack of action by the



US government to protect the National Museum, when in fact only the chairperson, Martin Sullivan, and two other members, Richard Lanier and Gary Vikan, had done so (BBC 2003).

Atwood provides 11 recommendations, primarily focused on what the USA can do to reduce looting in source countries. Two of the recommendations are undeniably innovative. The first, and pertaining to US tax relief on donated art, is for

the creation of a committee within the Inland Revenue Service to assess the provenance status of antiquities in cases when collectors want to donate artefacts to museums to gain tax advantages. The goal is to stop the laundering of looted antiquities through the tax process (p. 245).

The second is to create

legislation to require taxpayer-supported museums to disclose publicly the provenance of all future acquisitions or risk losing federal funds. To protect confidentiality, the name of the last owner of the piece and the price paid (if the museum purchased it) need not be disclosed (p. 247).

These are positive and realistic suggestions that would indeed make a difference in preventing illegal objects from entering private and public collections in the USA. The last chapter, 'Coming Home', ties up the loose ends by concluding the bitter-sweet story of Walter Alva and the repatriation of the back-flap to Peru where it was displayed with the Lord of Sipán in the Royal Tombs of Sipán Museum.

Despite its informative content and insightful commentary, the presentation of this book is somewhat mystifying. The title suggests an investigation of looting on a global scale; however, what Atwood primarily sets out to do is tell the story of Peru and how attitudes there have changed because of the looting of Sipán (p. 9). Discussion regarding looting in other parts of the world seems to be tacked on in order to provide a global reach for the book, rather than allowing it to centre on Peru. Indeed the title of the book and the photograph of a vandalized Cambodian relief on its cover imply that it is about looting on a global scale; however, this is lost at times as discussion always gravitates towards Peru.

There is a significant element of blame placed on Western museums and institutions (pp. 209, 240, 241). One such instance is his statement that 'We face the destruction of ancient sites around the world not because of some inexorable rule

of human nature, but because private and public institutions have let them be destroyed' (p. 241). Though, in certain cases, this might be true, such sweeping generalizations help only to polarize the problem. There were some obvious parallels between this book and the 1997 exposé by Peter Watson, *Sotheby's: Inside Story*. Like Watson, Atwood presents his data in a very compelling manner, which makes for a very exciting read. However, Atwood criticizes archaeologists for 'querulous indignation' (p. 240), and yet he contributes in a similar manner with highly emotive, sensationalist, and at times argumentative language throughout the book. It did seem as though he was using this type of language to relate most effectively the consequences of looting to a popular audience. The destruction caused by looting is widely discussed in media, legal and academic circles, what is necessary at present is to find a way to move the issue to the forefront of the political agenda in every country. Therefore, presenting such superior qualitative data in a more objective manner (rather than in an adventure-based style) would be more useful. Atwood does achieve his goal of displaying the links between looters in Peru and the trade in the USA; in general he does demonstrate a brighter future with reduced looting through his examples from Peru. Unfortunately, many of his 11 recommendations about how to accomplish this mammoth task are unrealistic if one considers how they would be implemented on a global scale. He does, however, achieve something unique in his discussion of US tax laws, in recounting his experiences in Peru, and in the way that he relates the consequences of looting.

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# Culture Without Context



The Newsletter of the Illicit Antiquities Research Centre

Issue 19, Autumn 2006

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NEIL BRODIE



The Illicit Antiquities Research Centre is a project of the McDonald Institute for Archaeological Research.



## Illicit Antiquities Research Centre

The Illicit Antiquities Research Centre (IARC) was established in May 1996, under the auspices of the McDonald Institute for Archaeological Research in Cambridge, England, and it commenced operations in October 1997. Its purpose is to monitor and report upon the damage caused to cultural heritage by the international trade in illicit antiquities (i.e. antiquities which have been stolen or clandestinely excavated and illegally exported). The enormous increase in the volume of this trade over the past twenty years has caused the large-scale plundering of archaeological sites and museums around the world. The IARC will raise public awareness of the problems caused by this trade and seek appropriate national and international legislation, codes of conduct and other conventions to place restraint upon it.

*Culture Without Context* is published twice-yearly. The next issue will appear in spring 2007. Subscription details are available from:

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**Front cover.** *Afghanistan 2006: dynamited site.*

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Correspondence relating to all aspects of the legal and illegal trade in antiquities is welcome; we will make an effort to print reasonable, non-libellous letters. No unsigned letters will be printed, but names will be withheld upon request.

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Printed by BluePrint, Coldhams Road, Cambridge, UK, CB1 3EW.  
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## Editorial

On 9 March 2007 the Schøyen Collection announced in a press release that it is to sue University College London (UCL) for the recovery of 654 Aramaic-inscribed incantation bowls ([http://www.schoyencollection.com/news\\_articles/UCL-090307.htm](http://www.schoyencollection.com/news_articles/UCL-090307.htm)). The Schøyen Collection comprises manuscripts and other inscribed materials assembled by Norwegian businessman Martin Schøyen. The contested bowls have been held by UCL since October 2004 pending the outcome of an internal enquiry into the legality of their provenance. The enquiry was initiated after a Norwegian Broadcasting Corporation (NRK) television documentary investigating the Schøyen Collection alleged that the bowls had been excavated illegally in Iraq in 1992 or 1993 (see S. Lundén, 'Skriftsamleren [The Manuscript Collector]', *CWC* Issue 19 (2005), 3–11). The bowls reached UCL over the period 1996 to 1997, where they were being held by the Institute of Jewish Studies for cataloguing and research. While it is believed that the UCL enquiry has completed its investigations and prepared a report, its findings have not been made public, and it is not clear either whether they have been communicated to the Schøyen Collection. The press release states that the Collection has 'become frustrated with the waste of time and money caused by a lengthy and inconclusive inquiry', and that 'following a series of unsatisfactory meetings and communications, it has now come to the view that legal proceedings are the only way forward'. These statements might be taken to imply that UCL has decided in light of its enquiry not to return the bowls. Prompt publication of the enquiry's report and recommendations might help to clarify the situation.

The press release also claims that UCL's enquiry into the incantation bowls 'seemed designed to deflect attention from the provenance of UCL's own permanent collections, including the ethnographic collections and other collections that may contain unprovenanced material'. This allegation is a serious one, though no corroboration is provided, and it might equally be designed to deflect attention from the Schøyen bowls.

The Schøyen Collection launched an independent website on 19 February 2007, having formerly been hosted by the National Library of Norway. The Collection's association with the publicly-funded Library had become increasingly problematical following the allegations and revelations of the NRK programme. The new website has an interesting 'statement of provenance' about the material of probable Iraqi origin (<http://www.schoyencollection.com/archeoprov.htm>), where it lists 16 old collections as sources. The dates provided for 10 of these collections show that they were still being assembled in the 1980s, however, years after the enactment of the 1974 Iraqi law banning antiquities export, and so it is hard to see how they have any direct bearing on the question of lawful export from Iraq. Nevertheless, it is encouraging that the Collection is prepared to talk about provenance, and perhaps when the documented provenances of individual pieces are made public then the controversy surrounding the Collection will subside.

The statement of provenance also makes a deceptive and nonsensical claim about the 'original archaeological context' of objects in the Collection, when it states that the context will not be known until 'all texts in both private and public collections have been published and compared with each other'. In fact, the archaeological context will only be known when the excavations that produced the objects are published. If the excavations were conducted clandestinely and never published then the archaeological context will never be known.

There might be more to the Schøyen Collection press release than meets the eye. Its website also outlines plans for future publication (<http://www.schoyencollection.com/infopub.htm>), and it seems that publication of its cuneiform material will be coordinated by a senior scholar from the University of London's School of Oriental and African Studies. Whether the threat of legal action is intended to intimidate UCL and to deter the University of London from following UCL's lead is open to speculation, but it will be interesting to see whether the publication of the UCL enquiry has any effect on this publication plan.



UCL had already been in the firing line in November 2006 when a postgraduate



student at the Institute of Archaeology organized an evening seminar to consider the history and possible future of the so-called Sevso treasure.

Comprising 14 pieces of Roman silver, the Sevso treasure had been displayed in October at an exhibition held at Bonham's auction house for an invite-only audience. At first, Bonhams announced that the Marquess of Northampton, the present owner of the silver, had no plans to sell it, but then during the exhibition it was reported that 'The Marquis of Northampton has made it clear that it is his intention to sell the treasure' (M. Bailey, 'Bonhams U-turn on Sevso silver', *Art Newspaper*, November, 5).

Hoping for a balanced debate, the UCL student twice asked Bonhams if they would like to send someone to represent the owner's interest. The reply, when it came, was in the form of a letter from Lane and Partners, lawyers to the Marquess of Northampton, threatening a legal claim for damages if certain 'extremist academics' chose to discuss a possible Hungarian provenance. This rather clumsy attempt to stifle discussion

backfired spectacularly as it only went to ensure that every authority on the subject turned up on the night to offer their support in a packed room, and there was a full and frank discussion of what evidence there is for a Hungarian origin. The robust response shown by UCL staff and students to legal sabre-rattling was commendable, and Lane and Partners' representatives at the meeting must have left feeling suitably chastised.

The Marquess of Northampton has good title to the Sevso treasure, but the problem for any potential purchaser is that his title looks vulnerable. His cause was not helped when in March 2007 the *Art Newspaper* showed that even now new evidence about the treasure's provenance might appear. It claimed to have seen documents dating from the 1980s suggesting that 187 spoons, 37 cups and 5 bowls that had originally been part of the treasure had been separated off before the Northampton purchase. The likelihood that there are previously undisclosed documents relating to the provenance of the silver still in circulation will do nothing to allay the fears of potential purchasers.

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## The effect of an artefact's provenance on its saleability

NEIL BRODIE

It is a welcome development that in recent 'Antiquities' sales the major auction houses have started to offer more information about provenance than was previously the case. Sometimes this provenance comprises a named previous owner, sometimes a publication, sometimes simply a previous auction sale. These provenance data can contribute towards a fuller understanding of the market and aid the investigation of individual market histories. In this short paper they are used to examine the effect of provenance on saleability.

Cannon-Brookes (1994) has suggested that in a climate disapproving of the sale of unprovenanced antiquities the market might start to discriminate against them without any imposed regulation by awarding higher prices to well-

documented pieces. Higher prices would in turn encourage the release into the public domain of more provenance-related information, and the market would gradually become more transparent, allowing the customer to be more selective about acquisitions. The idea that the market may act to regulate itself in this way is clearly an attractive one to the trade community as it weakens the case for statutory regulation, and it has often been suggested since Cannon-Brookes first floated the idea that, in fact, it is exactly what is happening. Unfortunately, it is difficult to obtain empirical verification of the positive effect of provenance on price because the variable quality of material offered for sale makes it hard to make direct price comparisons between provenanced and unprovenanced pieces. To do so, it would be necessary to collect price information on a large series of near-identical objects, which is not readily available.

One possible method of investigating the effect of provenance on price is to compare the estimated prices of auction lots with their realized prices. If the realized prices of lots with good provenances



consistently exceed their estimates by a greater amount than those with no provenances, then it would seem to confirm Cannon-Brookes's hypothesis. Silver (2005) analysed 1773 lots sold at Sotheby's New York through the period December 2000 to June 2005 and showed that lots documented before 1971 sold on average for 122 per cent of their median estimated price, while those that were not documented before 1971 sold on average for only 58 per cent of their median estimate. There is an element of subjectivity about price estimates, however, and if the auction house staff responsible for estimating prices think that provenance adds value, they would be expected to set the estimates higher to take that possibility into account. If that is the case, then it would strengthen Silver's results still further.

Another test of the Cannon-Brookes conjecture might be that the provenance of an artefact will effect its saleability, and it is attempted here. Provenance information has been collated for two October 2005 'Antiquities' sales in London — one at Christie's and one at Bonhams. Auction lots have been classified according to the date of their earliest verifiable provenance. Verifiable provenance is defined here as a name and a date, which can, in principle, be corroborated through independent means. It might consist of a previous sale or owner with both name and date provided, or a publication reference. Entries such as 'with European private collector in 1950', or 'bought at Sotheby's' are not considered to be verifiable provenance because they cannot be verified. The chronological classification is as follows:

1. before 1914;
2. 1915–1945;
3. 1946–1969;
4. 1970–2005;
5. other.

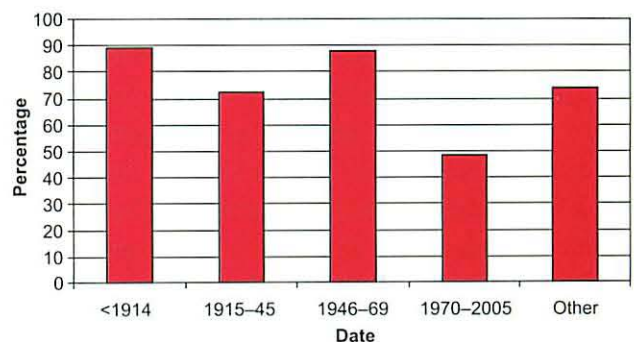
With the exception of the 1970 distinction, these classes are arbitrary. 1970 is the date of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, and increasingly it is being adopted by museums as a date threshold to separate acceptable from unacceptable provenance. In other words, objects with a legitimate provenance that can be documented back to before 1970 are considered acceptable purchases. The final class 'other' includes lots with no provenance and lots with provenances

*Table 1. Christie's London October 2005: earliest verifiable date of provenance.*

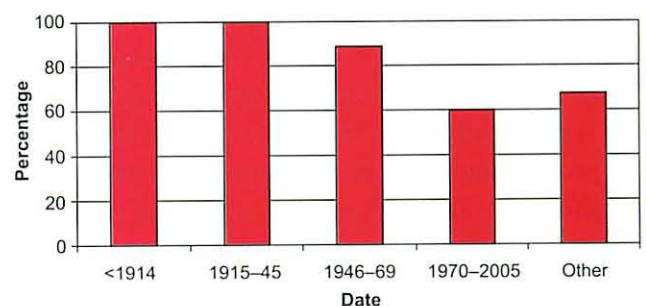
|                               | <1914 | 1915–45 | 1946–69 | 1970–2005 | Other |
|-------------------------------|-------|---------|---------|-----------|-------|
| <b>Number of lots offered</b> | 18    | 65      | 25      | 76        | 89    |
| <b>Number of lots sold</b>    | 16    | 47      | 22      | 37        | 66    |

*Table 2. Bonhams London October 2005: earliest verifiable date of provenance.*

|                               | <1914 | 1915–45 | 1946–69 | 1970–2005 | Other |
|-------------------------------|-------|---------|---------|-----------|-------|
| <b>Number of lots offered</b> | 5     | 18      | 107     | 103       | 263   |
| <b>Number of lots sold</b>    | 5     | 18      | 95      | 62        | 177   |



*Figure 1. Christie's October 2005: percentage of offered lots sold according to provenance classes.*

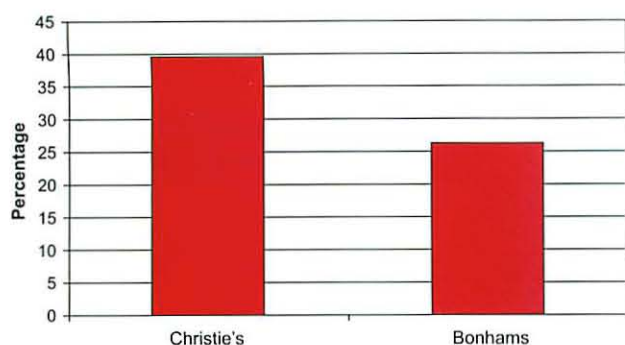


*Figure 2. Bonhams October 2005: percentage of offered lots sold according to provenance classes.*

not considered to be verifiable by the criteria adopted here.

The data are presented in Tables 1 and 2, and suggest that provenance does improve the saleability of a lot, particularly a pre-1970 provenance, although the effect is only marginal (Figs. 1 & 2). However, from this data set at least, it is hard to say whether the improved saleability of lots with long provenance is due to customer concern over origin, or because objects coming onto the





**Figure 3.** *Percentage of lots offered for sale with a verifiable provenance stretching back to before 1970.*

market from long-established private collections are of higher quality than objects coming onto the market from other sources. The problem arises because lots in the earlier provenance classes are comprised mainly of material from old private collections, while the later classes are comprised more of material provenanced by a previous sale date. So, in the two auctions under consideration here, three old private collections were sold. First there were the 11 Capesthorpe Hall antiquities sold at Christies with a provenance stretching back to the early nineteenth century. The second collection, also sold at Christie's, comprised 27 lots acquired by Wilhelm Horn in the 1930s. Finally, at Bonhams, there were 78 lots from the collection of Hugh Stanley Russell that were acquired in the 1950s, 60s and 70s. Perhaps a larger data set including more lots with a sale provenance from before 1970 will allow a better understanding of the reasons for the positive effect on saleability exerted by provenance.

It is interesting to note that the positive effect of provenance on saleability only really becomes apparent for lots with a provenance that stretches

back to before 1970. 1970 has been promoted in Britain as a provenance threshold for many years now, by the Museums Association since at least 2002, the British Museum since 1998, and the Department of Culture, Media and Sport since 2005. In the United States, the 1970 threshold is adhered to by the Archaeological Institute of America and, since October 2006, the J. Paul Getty Museum. Figure 3 shows that less than 40 per cent of antiquities offered for sale at Christie's and Bonhams in October 2005 have a verifiable provenance stretching back to before 1970 that would have rendered them acceptable for purchase by the British Museum or the Getty. The provenances of more than 50 per cent of the lots offered for auction remain resolutely unaccounted for. Previous owners seem more likely to be named by Christie's than by Bonhams, and so perhaps the percentage would have been higher if Bonhams had been more forthcoming about the names of previous owners, and perhaps this observation might encourage them to be so in the future.

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## In the News

JENNY DOOLE

### Iraq

- On 25 July 2006, a diorite statue of the Sumerian king Entemena of Lagash, stolen from the Iraq National Museum in Baghdad in April 2003, was returned to Iraq during a ceremony at the Iraqi Embassy in Washington. It was discovered in Syria in 2005 and is thought to have been recovered with the cooperation of New York dealers Ali and Hicham Aboutaam (B. Meier & J. Glanz, 'Looted treasure returning to Iraq National Museum', *New York Times*, 26 July 2006).
- *July 2006*: Following a conference at the University of Qadisiya, Iraqi archaeologists urged the authorities to protect the site of Uruk (modern Warka) from looting.
- In September 2006, Scotland Yard returned two incantation bowls, believed to have been stolen from an archaeological site in southern Iraq, to the Iraqi Foreign Minister. They had been handed in to police by dealers in London after having been smuggled into the United Kingdom (see: R. Beeston, 'Looted artefacts returned', *The Times*, 15 September 2006).
- Concerns have been voiced around the world about the removal of well-qualified archaeologists and heritage professionals from their posts in Iraq. They have apparently been replaced by political and religious appointees after archaeological and cultural heritage sites were put under the jurisdiction of the Tourism Ministry, which is connected with radical cleric Muqtada al-Sadr. It is thought its main focus will be the protection of Islamic cultural heritage (see: 'Iraq: antiquities continue to be pillaged, destroyed', Radio Free Europe, 12 October 2006).

- International archaeologists have written to the Iraqi authorities asking that the holdings of the Iraq National Museum in Baghdad are not broken up and sent to regional museums, as has been suggested (see: M. Bailey, 'International archaeologists' pleas to Iraqi government', and 'An open letter to the government of Iraq', *The Art Newspaper*, No. 174, November 2006).
- Following the resignation of Donny George as chairman of the State Board of Cultural Heritage, the Iraq Cultural Heritage Initiative (a programme co-ordinated by the Getty Conservation Institute and the World Monuments Fund to provide training and infrastructure support for the protection of Iraq's cultural heritage) must now make new arrangements with the next administration. The new chairman is said to be keen to continue the project. (see: L. Harris, 'International project to safeguard Iraqi heritage will continue', *The Art Newspaper*, No. 175, December 2006).



### Turkey

- According to reports in Turkey, prosecutors allege that Uşak Museum Director Kazim Akbiyikoğlu had 259 telephone conversations with other suspects alleged to have been involved in the theft and attempted sale of a gold brooch — a star item in the famous Lydian Hoard, or Karun Treasure, which is on display at the museum. It was discovered in 2005 that the brooch had been replaced with a fake (see: 'In the news', *CWC*, Issue 18, (Spring 2006); also see: 'Editorial', *CWC*, Issue 2, (Spring 1998)). Quoted in the *Turkish Daily News* (10 September 2006) Tourism and Culture Minister Atilla Koç said he believed the genuine brooch was still in Turkey, adding 'Those who stole it took it to Istanbul. The buyers beat them up and sent them back to Uşak without paying them. It is obviously not a professional job.'



- *November 2006*: Ancient artefacts were confiscated during construction work in the industrial zone of the village of Koseler in Gebze, after rumours that items were being smuggled from the site. Artefacts are usually transferred directly to local museums. Upon inspection it emerged that the area was a Hellenistic cemetery.
- A marble statue of two women holding a globe, believed to be Roman, was recovered from an olive depot in Gemlik, southwestern Turkey, after a tip-off to police. Two men, Kemal K and Ismail A, were arrested for allegedly trying to sell the statue for £15 million. They claimed to have bought it cheaply in the Aegean region (see: 'A Roman statue work \$15 million found in an olive depot', *Sabah*, 27 December 2006)



## USA

- In July 2006, after an FBI investigation, prosecutors in Miami charged Edgar Nakache, Cecilia Marcillo-Aviles and her daughter Susan Aviles with illegal importation of pre-Columbian artefacts from Ecuador. The FBI had been on the case since February, when Nakache's offer to sell around 600 artefacts had alerted ICOM (International Council of Museums) in Paris. ICOM contacted Interpol, Interpol contacted the Ecuadorian police, and the Ecuadorian police contacted the FBI. During the course of the FBI's investigation undercover officers, posing as potential buyers, met Nakache and Marcillo-Aviles at her daughter's house in Miami and photographed some of the pieces before pretending to negotiate a \$2 million deal. About 100 objects from the house and around 60 more from a storage company were recovered, but the location of the remaining pieces is unknown. (For pictures see: 'Three charged in smuggling pre-Columbian artefacts into the United States', Press Release, United States Attorney's Office, Southern District of Florida,

21 July 2006 <http://www.usdoj.gov/usao/fls/PressReleases/060721-02.html>).

- Linda Farnsworth, sole BLM (Bureau of Land Management) archaeologist responsible for the Canyon of the Ancients National Monument in Colorado, showed *The Los Angeles Times* (Julie Cart, 'Agency Struggles to stop artefact theft', 3 September 2006) a series of backfilled looters' holes, evidence of illegal pot hunting. Looters are increasingly targeting Anasazi sites in the area, where only around 18 per cent of the archaeology is believed to have been surveyed. In the six years since the Canyon of the Ancients has been in existence there have been no arrests for archaeological theft, despite increased evidence of looting.
- *August 2006*: 26 Caddo pots, dating to about AD 600, which had been discovered during a dig along the Red River in 1980, were stolen from Southern Arkansas University in Magnolia. Archaeologists were about to return the collection to the Caddo Nation.
- Two Arizona State Land Department investigators have turned to aerial surveillance to spot the tell-tale signs of archaeological looting in the 9 million acres of state land they must patrol. Indications of illegal digging include makeshift roads, heavy equipment and series of linear cuts. They say they are getting an ever-increasing number of calls, and the benefits (as much as \$75,000 for an intact pot) outweigh the risks (fines of less than \$500). John Madson, curator of archaeology, at Arizona State Museum, highlighted another problem in region — large ranches are being split into 'ranchettes' which are then leased to pothunters, as treasure-hunting is legal on private land (see: T. Ropp, 'Looters still ravaging ancient Arizona', *The Arizona Republic*, 6 July 2006).
- Following a six-year investigation, called 'Operation Bring 'Em Back', Michael Orf



from Redmond was sentenced to a two-and-a-half-year prison sentence and a \$20,000 fine payable to the Confederated Tribes of the Warm Springs Reservation for trafficking an American Indian skeleton. He offered the skeleton for sale to an undercover operative in 2004. His sentencing marks the end of the first phase of the operation, which looked at unlawful diggers (often methamphetamine users, see: 'In the news', *CWC*, Issue 17 (Autumn 2005)) and unlawful traders. Attention will now turn to the buyers of such artefacts and a number of collectors' homes have been searched although no charges have yet been brought (see: B. Denson, 'Cultural pillagers leave trail of ruin', *The Oregonian*, 1 November 2006).

- *November 2006*: Tribal chairman Robert Martin said that the Morongo Band of Mission Indians would no longer take a passive approach to looting on their reservation lands, but will aggressively prosecute thieves. In May or June a large granite boulder with a bedrock mortar (grinding hole) was stolen from a secured area of the reservation and thieves attempted to steal another. The heist must have required heavy equipment and transport facilities (see: 'Morongo tribe announces intent to prosecute cultural thefts; no pocketing of the past permitted', Yahoo, 27 November 2006).



## China

- *August 2006*: Suspended death sentences were given to two Chinese nationals for stealing 119 items from Song dynasty tombs in the province of Shaanxi near Xian. Two others involved in the theft were given 15-year jail terms.
- The US State Department has delayed a decision on China's request for a bi-lateral agreement to restrict importation of Chinese cultural material. The delay came after a group of Senators, backed by dealers and museum directors, expressed concerns

about the transparency of the decision-making process and the legality of the request. They argue that China must prove it has taken steps to police the antiquities market within its own borders, show that such restrictions in the US would help combat looting, and that category of material covered by the request is too broad. Robert E. Murowchick, of the University of Boston, said the delay was critical because 'every month or year that goes by with looting getting worse, the more sites are being destroyed' (see: J. Kahn, 'U.S. delays rule on limits to Chinese art imports', *New York Times*, 18 October 2006).

- Graves dating back to the Warring States Period in Gansu province, which were discovered in August 2005 when local police apprehended looters there, have been nominated as one of China's top 10 most important archaeological discoveries of the year. Zhu Zhongxi, director of the archaeological institute of Gansu told *Shanghai Daily* ('Proposed leading archaeology sites found by robbers', 22 December 2006) that he found the nomination by provincial authorities ironic given the circumstances of the site's discovery. The same situation occurred in Lixian County, where an ancient cemetery was heavily looted in the 1990s until archaeology and security departments stepped in.



## United Kingdom

- *August 2006*: Scotland Yard recovered a valuable Moche headdress, which disappeared after the excavation of a tomb in the Jequetepeque Valley, Peru in 1988, as it was being passed to a lawyer in London for safekeeping. They acted on information provided by former art smuggler Michel van Rijn. The 3-ft wide, gold headdress is believed to have been in the possession of Peruvian dealer Raul Apestiguia, but after his murder in 1996 it appeared for sale on the black market alongside 41 other stolen



pieces (see: S. Connor, 'Solved: case of the disappearing headdress, the Mona Lisa of Peru', *The Independent*, 18 August 2006).

- In October 2006 the British Museum and Portable Antiquities Scheme (PAS) teamed up with eBay.co.uk and the Museums, Libraries and Archives Council to monitor eBay sales of objects which could potentially be 'treasure' as defined by the 1996 Treasure Act and thus belong to the Crown. Sellers were contacted and illegal listings reported to police. An average of almost 3500 objects per day were on sale on eBay between August and September, around 50 of which could potentially have been treasure under the terms of the Act. The British Museum said that it had not seen a drop in the number of potential treasure items listed since the project had begun, while a spokesperson for eBay said they are usually traded innocently by people unaware of their legal requirement to report such finds to the Coroner with 14 days of discovery (see: 'Museum warns of illegal eBay treasure trading', *The Evening Standard*, 18 December 2006). Claire Costin of the PAS told *The Times* (D. Alberge, 'Illicit artefacts sold as eBay turns a blind eye', 18 December 2006) that many sellers are simply insisting their items were bought overseas at antiquities fairs or from private collections.



## Syria

Official news agency SANA reported in August that a number of people had been arrested on suspicion of looting at Palmyra. They were said to have been found in possession of two stone statues, the bust of a priest and portrait of a woman.



## Albania

Auron Tare, former Director of the National Park of Butrint in Albania, told *The Tirana Times* ('Expert charges officials doing nothing

to protect national heritage', 31 July 2006) that not enough is being done by Albanian authorities to protect archaeological heritage. He said:

- Authorities never updated international partners about the return of the Gllavenica Epitaph a few years after its theft from the National History Museum in the mid-1990s.
- Looting at the archaeological site of Finiq is being ignored. He added that a year ago he gave authorities a photo file of stolen pieces, which he claims have been smuggled to Greece by an Archeology Institute official. He says they have not responded.
- Illegal digging is commonplace.
- He has demanded, but not received, an official explanation from the manager of the Butrint Foundation about the alleged 2004 sale to an English expedition of a collection of Crusader-era coins found by locals. He claims the sale was carried through with no official notice or inventory and without the involvement of the right people in the national park.
- The national museum, while still a wonderful resource, is vulnerable to thefts because of the lack of inventory (which Tare believes suits corrupt officials) and non-functioning security equipment.



## Bulgaria

- *June 2006:* The National History Museum of Bulgaria opened an exhibition of illicit antiquities recovered by police in the towns of Knezha and Veliko Turnovo. Four people were arrested (who were also planning bank robberies) and police said they were looking at possible involvement of customs officers. Antiquities had been exported to Germany and the Netherlands.
- Archaeologist Daniela Agre told the *Observer* (D. McLaughlin, 'Bulgaria fights to save its golden past from the curse of the gangsters', 24 September 2006) that in August she came across a Black Sea hotel



owner destroying a 2000-year-old Thracian burial mound which, on excavation, was found to contain gold and silver jewellery.

## Pakistan

- In an elaborate ceremony in Newark, NY, July 2006, US Immigration and Customs Enforcement Department and the Department of Homeland Security returned to Pakistan's consul-general a shipment of smuggled antiquities, including 39 Gandharan artefacts. The shipment, sent from Dubai, was impounded in 2004.
- Archaeologists and museum professionals estimated the value of shipment of 625 ancient statues impounded in Karachi at Rs 30 million. They suspect that the antiquities may have come from the Swat area, but are also considering the possibility that they were smuggled from Afghanistan, or stolen from a private collection or museum. Officials of the Drug Enforcement Cell of the Preventive Collectorate of the Pakistan Customs impounded the consignment, which was hidden in 376 packages stored in 23 wooden boxes in a container en route to Sharjah. They refused to name the clearing agents handling the shipment. This is second largest seizure made by Pakistani customs in a decade: last November a consignment of 1400 pieces was intercepted ('Antiques smuggling case: customs want clearing agents' bail cancelled', *Daily Times Pakistan*, 20 November 2006; 'Customs foil bid to smuggle 625 relics', *Dawn*, 19 November 2006).

## J. Paul Getty Museum

- The *Los Angeles Times* reports that the J. Paul Getty Trust paid \$64,000 towards collector and Getty trustee Barbara Fleischman's legal fees when she gave a deposition on former curator Marion True's behalf (R. Frammolino & J. Felch, 'Getty paid Trustee's legal fees despite lawyer's warning',

29 June 2006). Lawyers have advised the Trust that the payment may violate federal tax rules as the deposition was not directly related to her role as a trustee.

- *July 2006*: 'After a thorough internal investigation', the J. Paul Getty Museum in Los Angeles agreed to return two items to Greece: a sixth-century BC relief from Thassos and fourth-century BC tombstone from Thebes. In return, Greece offered a long-term loan of antiquities to the Getty. Further objects from the collection remain contentious.
- The J. Paul Getty Museum announced that it is tightening its acquisitions policy (see: 'Getty tightens acquisitions policy', *Los Angeles Times*, 27 October 2006). In order to acquire an object there must now be documentation or substantial evidence to prove that:
  - the piece entered the USA by November 17, 1970, and there is no reason to suspect it was illegally exported from its country of origin;
  - the item was out of its source country by 1970 and has been or will be legally imported to the USA;
  - the item was legally exported after 1970 and has been or will be legally imported to the USA.

In October, the Corte Costituzionale in Italy approved the enactment of a law extending the statute of limitations on certain offences. This means that both Marion True and Robert Hecht, presently on trial in Italy for dealing in and conspiring to receive illicitly-excavated artefacts, may escape charges on a technicality (see: F. Castelli Gattinara, 'Getty curator could escape charges on a technicality', *The Art Newspaper*, No. 175, December 2006).

Following the threat of a cultural embargo by Italy, the J. Paul Getty Museum agreed to return contested antiquities, including the bronze statue of a boy found in 1961 off the coast of Fano and bought by the Getty for \$3 million (see: 'Getty agrees



return of antiquities to Italy', *The Art Newspaper*, No. 175, December 2006).

- *November 2006*: Greek prosecutors charged former Getty Museum curator Marion True with conspiring to receive stolen antiquities. The allegation concerns a golden wreath, which was sold to a Getty representative in 1993 for £1.15 million. It is believed to have been removed illegally from an ancient tomb in Macedonia (see: K. Grohmann, 'Former Getty curator charged with Greek art theft', *The Washington Post*, 21 November 2006). According to *Kathimerini* ('New antiquity charge filed', 22 November 2006), five people were involved in getting the artefact to the United States after it was discovered by a farmer in Serres in 1990: two Greeks in Munich, a Serbian, and an antiquities dealer in Switzerland.
- Marion True wrote to the J. Paul Getty Trust in December 2006 complaining that the J. Paul Getty Museum authorities have left her 'to carry the burden' of the case against the museum regarding its purchase of looted antiquities from Greece and Italy. She claims in the letter that her superiors were well aware of the risks associated with the purchases and approved all the acquisitions. The J. Paul Getty Museum is paying for True's defence against prosecutions in Italy and Greece, but has stopped short of saying she is innocent or has been wrongly charged (see: J. Felch & R. Frammolino, 'Getty lets her take the fall', *Los Angeles Times*, 29 December 2006).

## Former Yugoslav Republic of Macedonia

Illegal digging goes on in broad daylight around the village of Isar Marvinci, which is surrounded by remains dating back to the Bronze Age, according to a report in *Kathimerini* ('FYROM treasures looted', 3 January 2007). There is little danger of looters being caught, as there is no local police force and

resources are scarce and there are no laws against the collection and sale of antiquities. One looter told the newspaper that if he did not take artefacts then the next looter or visitor would take them. Coins are currently most sought after.

Local archaeologist, Goran Karapetkov told *The Economist* ('Looting history: a Balkan battle is on to save the past', 23 November 2006), that in October looters dug up a bronze figurine of Apollo and sold it for €20,000 to a Greek dealer. He despairs of doing anything about the situation because he believes that corrupt police and customs agents were involved.

## Italy

- Omero Bardo, tombarolo-turned-creator of modern replicas, told the *New York Times* that recent high-profile criminal cases have decimated the illicit market in Italy. He is quoted as saying: 'No one is digging tombs anymore because no one is buying' (see: E. Povoledo, 'Entrepreneur in Etruscan knock-offs', *New York Times*, 17 August 2006).
- The Italian government has written to collector Shelby White requesting the return of more than 20 artefacts from the collection she amassed with her late husband Leon Levy. They claim the artefacts were illegally removed from Italy but do not suggest that the couple acted criminally in buying them. According to the *New York Times* (E. Povoledo, 'Top collector is asked to relinquish artifacts', 29 November 2006) the request is timed to coincide with the opening of the new Greek and Roman galleries at the Metropolitan Museum of Fine Art, which are named after and were paid for by Levy and White and will display some of the their collection.
- A Roman statue and its head were returned to Italy in December 2006. The head (stolen in 1983 in Rome) was traced to an antiquities shop in Barcelona in 2005, while the headless body (stolen in 1986) was identified by Ital-



ian police in a Christie's auction catalogue in New York in 2002 (see: '2nd century statue and marble head stolen in 1980s returned to Italy from New York, Spain', *International Herald Tribune*, 12 December 2006).

- In September 2006, convicted Italian antiquities dealer Giacomo Medici offered to return a previously unknown ancient masterpiece which he refers to as 'Object X' in exchange for a reduction of his 10-year prison sentence and €10 million fine. Prosecutor Paolo Ferri said that he would rather lose Medici's masterpiece than get duped, fearing the offer is a bluff (see: V. Silver, 'Art smuggler offers Italy mystery masterpiece "X" to end trial', *Bloomberg.com*, 25 September 2006)

## Terror funding

The Art and Antiques Unit, Scotland Yard, London, say that money from antiquities looted in the Middle East is definitely funding terrorists. Examples of faked 'Mesopotamian' art which have been confiscated in the UK were also shown at an exhibition of forged artwork seized by the Unit (M. Holden, 'Forged Iraq art used to fund terrorism', *Reuters*, 22 November, 2006).

## Afghanistan

The Afghanistan Museum in Exile, founded in 1999 by Paul Bucherer-Diestschi to house artefacts saved during the conflict in Afghanistan, is to close and its collections will return to Kabul now that Unesco has deemed the situation to be safe (see: M. Bailey, 'Exiled antiquities returned to Afghanistan', *The Art Newspaper*, No. 174, November 2006).

## Egypt

Archaeologists discovered a burial complex dating to the Old Kingdom when they carried

on digging a looter's hole at Saqqara after the thieves were caught. It appears to be the resting place of three Royal dentists.

## Greece

In November, three men and a woman were arrested in Larissa, central Greece when they offered to sell an undercover policeman 170 illegally excavated antiquities for €200,000. The items are believed to have come from a Classical site near the village of Pelasgia (see: 'Arrests over antiquity stash', *Kathimerini*, 4 November 2006)

## Iran

- Archaeologists have been carrying out a rescue dig at the Babajian mound in Lorestan Province after illegal excavations there. Looters have almost completely destroyed the previously uninvestigated cemetery site, which is believed to date to 1300 BC, and it is unclear if anything now remains (see: 'Smugglers entice archaeologists to excavate Babajian ancient mound', *Mehr News Agency*, 10 October 2006).
- Items which appear to be very like the type looted from Jiroft (also see: 'In the news', *CWC*, Issue 15 (Autumn 2004)) were offered for sale by Salander Decorative Arts of Manhattan. Managing director Diane Buckley told *The Art Newspaper* that they had no idea the pieces might be a problem, and that they were from a private collection in New York, but refused to name the collector (see: J. E. Kaufman, 'Were these objects looted from Iran', No. 175, December 2006).

## Libya

Giuma Anag, director of Libya's Bureau of Antiquities, says that looting is a big problem in the country and that it is difficult to esti-



mate the extent of the loss. In an interview with *Archaeology* magazine (Conversations: 'Saved by sand, the challenge of preservation in Libya', Volume 59, Number 6, November/December 2006) he refers to the case of the Castiglione brothers, found guilty of theft in 1983, and a statue of Hades from Cyrene retrieved from an auction in Maastricht. He would like to see increased policing of sites and museums, and cultural property treaties with the USA and other nations to act as disincentives.



## Zimbabwe museum theft

Objects stolen from the Zimbabwe National Gallery in Harare in June 2006 were recovered when offered for sale to an American collector/dealer by a seller in Poland. Recognizing the pieces, the collector contacted Ton Cremers, director of the Museum Security Network, who had published photographs of the stolen pieces shortly after the theft. Polish police confiscated the objects and the thief has now been arrested thanks to the efforts of international authorities (see: 'Ethnographic objects stolen in National Gallery Harare, Zimbabwe, June 2006 all recovered in Poland', Museum Security Network, 11 December 2006, <http://msn-list.te.verweg.com/2006-December/006493.html>).



## India

- In September 2006 thieves broke into Patna Museum and stole at least 17 extremely rare statues of Buddha and Mahavir from the first floor. They used a bamboo ladder to scale the building and police were not ruling out the possibility that the heist was an inside job. The robbery followed the theft of objects found during excavations at Muzaffarpur, Bodh Gaya and Darbhanga three months earlier, which highlighted the lack of security at the museum (see: P.K. Chaudhary, 'Museum did not heed warnings', *The Times of India*, 26 September 2006). The

border with Nepal was sealed following the theft with every person crossing the border from either side being checked (see: 'Bihar-Nepal border sealed following museum heist', *Patna Daily*, 27 September 2006).

- In an undercover operation in Benares, Uttar Pradesh, India, police arrested five suspects for allegedly trying to sell a stolen idol (see: 'Priceless Indian statue recovered', BBC News, 10 October 2006). The statue, of Buddha sitting in meditation, was stolen during a break in at Patna Museum (see: 'In the news', *CWC*, Issue 18 (Spring 2006)).
- Police in the state of Bihar have set up a special force, led by 25 specially trained officers, to tackle increased theft and smuggling of Buddhist antiquities. More than 3600 have been smuggled out of the state in the last year. Criminal gangs there have taken advantage of lack of law and order and poor policing of the border with Nepal (see: B. Majamdar, 'India to curb smuggling of Buddhist relics', *New Scotsman*, 17 October 2006).
- The temple-rich states of Madhya Pradesh, Rajasthan and Tamil Nadu are suffering most from looting by antiquities smugglers, according to *The Times of India* (see: M. Pandey, 'Latest theft only the tip of an iceberg', 28 September 2006). The recovery rate is low, with artefacts recovered in only 14 of the 44 theft cases recorded in the last five years (32 of which occurred in the last three years alone).
- *December 2006*: Six ancient Bihar statues, seized at Heathrow airport in August 2005, were returned to Indian authorities at a ceremony in London. They weighed 172 kg and were estimated to be worth £3000–£5000 each (see: P. Sonwalkar, 'India gets back antique statues seized in Britain', *Telugu Portal*, 14 December 2006).
- *December 2006*: Following a tip-off, Crime Branch officials in Delhi arrested Manoj



Soni, a goldsmith from Humayunpur for trying to sell an ancient ashtadhatu Majavira statue near the Shri Ram Institute in Maurice Nagar (see: 'Police seek help from archaeologist to track Jain statue mystery', *Delhi Newslite, Express India*, 5 December 2006).

## Switzerland

- *October 2006*: The Italian and Swiss governments signed an agreement to combat smuggling of antiquities across the border. Importers will now have to show customs officials in both countries evidence proving an artefact's origin and lawful export.
- *December 2006*: The Peruvian and Swiss governments signed a bi-lateral agreement to combat trafficking in stolen Peruvian antiquities.

## Cambodia

- *October 2006*: Australian tourist Steven Doyle was arrested for stealing three Angkor stone sculptures after a tip-off to police from hotel staff. When it emerged that he had purchased the small carvings, he was charged with attempting to take culturally-significant artefacts out of the country without authorization and ordered to pay \$A1345. Doyle said he did not know it was illegal to take such items out of the country.
- *September 2006*: Sometime after midnight one night during the week-long Festival of The Dead celebrations thieves broke into the Wat Botum Vatey pagoda and stole a 70 kg statue of sitting Buddha. The statue was on full display in the main area of worship during the day, but locked away at night. Police have no leads so far but believe more than one person must have been involved because of the weight of the statue, and fear that the piece will be smuggled across the border for sale on the art market.

## Romania

In November 2006 it was announced that an exceptionally rare gold Dacian bracelet, noticed on the Ariadne Gallery (New York) stand at the Paris Grand Palais Biennial Exhibition in September, would be returned to Romania and displayed in the Treasury Hall at the National History Museum (the only Romanian institution with suitable security). It is believed to have been stolen from the Sarmisegetuza Regia archaeological site in the Orastiei Mountains and has been valued at €1.5 million. The item will still be presented as evidence in a pending lawsuit.

## Croatia

All the artefacts stolen during a break-in at the archaeology museum of Vinkovci in eastern Croatia have been recovered. The thief was arrested in Vinkovci with the six kilo collection of ancient gold in September, days after the theft. He had no idea of the value of the items (which included pre-Roman and Roman coins and a 5000-year-old medallion that had been kept in the museum safe for security reasons) and was offering them for sale for only €300 (see: Croatian police nab thief of priceless gold collection, *Deutsche Press Agentur*, 20 September 2006).

## Palestine and Israel

The leader of the Bedouin village of Herodian tells the *Boston Globe* of the villagers' expeditions into the Judean hills with sleeping bags and tools to rob ancient tombs. They are driven by necessity in the face of the deteriorating economic situation in Palestine. He displays a table full of artefacts and explains that he has become expert in recognizing archaeological artefacts, and how items are sold to dealers in Bethlehem and Jerusalem and the proceeds shared in the village. The most valuable thing found was a Bar Kochba era coin,



sold for \$15,000 — usually \$300–\$400 is the maximum price realized for an item, and then only a couple of times a month (see: M. Kalman, ‘Tomb-raiding tradition thriving in West Bank’, 31 December 2006).

## Jordan

An attempt to smuggle antiquities over the border at Al Omari in a secret compartment in a truck was foiled by Jordanian Customs officials in December (see: Jordan News Agency, 27 December 2006).

## Nigeria

In a report by the *Daily Sun*, Nigeria (‘Nok, Nok, who’s there?’, 30 November 2006), Mr Gang Chai Mang, head of Nok station of the National Commission for Museums and Monuments (NCMM) said that there are only three security personnel to watch over 10 archaeological sites, numerous cave sites and a gallery of artefacts, which are spread over a very wide area. He says they have been lucky at the Nok museum in that they have experienced no thefts to date. It is hoped that changes in directorship of the NCMM may speed up plans drawn up by the Kaduna State Tourism Board to build new facilities and fulfil tourist potential in the area.

## Algeria

During the first 11 months of 2006, Algerian customs officials seized 947 archaeological artefacts found in tourists’ luggage at Tiska airport in Djanet (Sahara desert). They were from the site of Tassili n’Ajjjer and returned to Djanet museum (see: ‘Almost 1,000 artifacts seized at Algerian airport’, *Middle East Times*, 20 December 2006).

## Sevso silver

The controversial Sevso Treasure, which was the subject of a lawsuit in the 1990s, was displayed at a private exhibition at Bonhams auction house in London in October 2006 (see: M. Bailey, ‘Bonhams to show Sevso silver’, *The Art Newspaper*, No. 173, October 2006). Bonhams now suggest that earlier legal obstacles preventing the sale of the Roman silver hoard have been resolved — even though it had assured *The Art Newspaper* in September that they had no plans to sell the treasure on behalf of the owner, the Marquess of Northampton. Bonhams now says it might (see: M. Bailey, ‘Bonhams U-turn on Sevso silver’, *The Art Newspaper*, No. 174, November 2006). Lawyers acting on behalf of Hungary, which claims the treasure, wrote to Bonhams and the Marquess highlighting their claim, which Ludovic de Walden, lawyer for the Marquess, says was dismissed in the New York court case.

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## The lost, found, lost again and found again Gospel of Judas

### A review of:

***The Secrets of Judas* by James M. Robinson**  
(New York, HarperSanFrancisco,  
ISBN-13 978-0-06-117063-8).

***The Gospel of Judas*, edited by Rodolphe  
Kasser, Marvin Meyer & Gregor Wurst**  
(Washington DC, National Geographic,  
ISBN-13 978-1-4262-0042-7).

***The Lost Gospel*, by Herbert Krosney**  
(Washington DC, National Geographic,  
ISBN-13 978-1-4262-0041-0).

NEIL BRODIE

On 6 April 2006 the National Geographic Society announced that a project funded by the National Geographic and the Waitt Institute for Historical Discovery in collaboration with the Maecenas Foundation for Ancient Art had restored and translated a previously unseen Gospel of Judas. The Gospel was discovered in Egypt and ultimately it will be donated to the Coptic Museum in Cairo. It was featured in the April 2006 issue of the *National Geographic* magazine and in a National Geographic television documentary programme that is now available

on DVD. It also forms the subject matter of two National Geographic books that are reviewed here, one authored by Krosney and the other edited by Kasser *et al.* The third book under review is by James Robinson of Claremont Graduate University, who has known about the existence of the Judas Gospel since 1983 and who has now written his own account of the events leading up to the Gospel's publication.

These three books have much to say that is of theological interest, but between them they also cast a great deal of light on the trading history of the Gospel, which stretches back to the 1970s or earlier, when it was discovered in Egypt. The amount of provenance-related information published is unusual for what would normally be considered an 'unprovenanced' antiquity, and offers a good opportunity to consider the organization and operation of the underground trade in ancient manuscripts, as well as the actions and motivations of the people involved.

The books agree in outline about the sequence of events leading up to the National Geographic project, though there are some interesting differences of opinion about key issues. None of the authors can be considered an unbiased commentator. The Krosney and Kasser books are published by National Geographic and are clearly intended by National Geographic to constitute the authorized accounts of the Gospel's discovery and publication, Krosney up to the year 2001, Kasser after that date. Robinson had himself tried but failed over many years to secure access to the



Gospel, and so his book provides a more sceptical account of events and of the main protagonists. His Preface sets the tone when he says that his narration is not expurgated, sanitized, cleaned up to make it an appetizing story. What has gone on in this money-making venture is not a pleasant story — about how all this has been sprung upon us, the reading and viewing public — and you have a right to know what has gone on (p. vii).

The books also make use of different primary sources. Krosney's role as official chronicler seems to have afforded him access to several people who had come into contact with the Gospel while it was still on the market, and he relies particularly on the testimony of Mario Roberty and Frieda Tchacos-Nussberger, principles of the Maecenas Foundation and present owners of the Gospel. By contrast, for his commercial information, Robinson draws upon the website of Michel van Rijn,<sup>1</sup> and he was provided with information by many of his academic colleagues that was not available to Krosney.

The Gospel of Judas is a third- or fourth-century AD Coptic translation of a Greek original composed in the second century AD, one of four Coptic texts found together in leather-bound papyrus codex. The codex is not intact but what survives comprises:

Pages 1–9, Letter of Peter to Philip, also known from Nag Hammadi Codex VIII;

Pages 10–32, 'James', a version of a text known from Nag Hammadi Codex V;

Pages 33–58, Gospel of Judas, text previously unknown;

Pages 59–66, Book of Allogenes (provisional title), previously unknown.

(Kasser p. 49).

### **The discovery of the codex**

Krosney's account of the discovery of the codex leans heavily on the testimony of an Alexandrian art dealer, hiding behind the pseudonym Joanna Landis, who claims to have been taken to the place of discovery in 1978 by a friend of the finder. The finder is now dead, but in 2005 Landis obtained more information over the telephone from another of the finder's friends. The story goes that the codex was discovered sometime during the middle to late 1970s inside a white limestone sarcophagus that had been deposited in a still uninvestigated catacomb in the Jebel

Qarara on the east bank of the Nile in Al Minya province. Along with the sarcophagus were two caskets, also containing texts, and found with the codex inside the sarcophagus were a human skeleton and some Roman glass flasks. Different accounts of the discovery stem from dealer Hanna who subsequently bought the codex. Ultimately, however, any report of the codex's discovery is hearsay. None have been and perhaps cannot be corroborated — at this distance in time they are best discounted.

### **The provenance of the codex 1980–1999**

By 1980, the codex had reached the hands of a Cairo-based antiquities dealer, identified in Krosney's book by the pseudonym Hanna Asabil, by Robinson as Hanna, and henceforth here as Hanna. Kasser (p. 51) thinks that Hanna would not have realized the significance of the codex and must have been alerted to its value by European papyrologists. Krosney concurs, reporting that Ludwig Koenen of the University of Cologne and, after 1975, the University of Michigan was an active buyer in the 1960s and 70s and 'opened the eyes of the dealers' to the value of ancient papyri (p. 40), but that it was probably the papyrologist Manfredo Manfredi of the University of Florence who suggested to Hanna it might be worth \$3 million (p. 41).

In March 1980, Hanna gathered his stock together in his apartment in readiness for a visit by a female friend of the Greek antiquities dealer Nikolas Koutoulakis. Known familiarly as Mia or Effie, she introduced some customers who agreed to buy Hanna's entire stock before leaving to fetch their money, which they said was on their yacht in Alexandria. They never returned. The next day Hanna's apartment was burgled and his entire stock, including the Coptic codex and some other papyrus manuscripts, written in Greek, was stolen.

Not surprisingly, Hanna suspected a Greek connection, and in 1981, 18 months after the burglary, he turned to Athenian art collector and occasional dealer Yannis Perdios for help in recovering the stolen material. Perdios persuaded Koutoulakis and Mia to meet with Hanna in Cairo, though the meeting proved inconclusive. In 1982, Hanna, Perdios and Koutoulakis met again, this time in Geneva. Koutoulakis told



Hanna that he had come into possession of the stolen papyrus manuscripts, including the codex, and would return them, but nothing else that had been stolen.<sup>2</sup> Hanna, with no real options to do otherwise, accepted the offer. He then deposited the codex in a safe deposit box in a Geneva bank, and together with Perdios proceeded to look for a buyer. Perdios sent photographs of the material to several potential purchasers, including Koenen, and also gave some photographs to the antiquities dealer Frieda Tchacos-Nussberger (henceforth Tchacos) whom he visited at her Zurich Galerie Nefer. The identity of the person who burgled Hanna's apartment, or of the person who initiated the theft, remains unknown.

From this point on, the provenance of the Judas Gospel becomes more secure. Koenen wanted to inspect Hanna's papyrus manuscripts with a view to purchase. He came to Geneva with two Michigan colleagues (David Noel Freedman and Astrid Beck), where they were joined by Stephen Emmel, then of Yale University, who had been nominated to attend by James Robinson. The Michigan contingent was interested in buying the Greek papyri, while Emmel was authorized to buy the Coptic codex. Between them, they had something like \$150,000 available for purchase. The meeting took place on 15 May 1983, but Hanna's asking price of \$3 million was more than the visiting academics could afford. The meeting broke up and the codex was returned to the bank vault. Soon afterwards, Emmel wrote down what he recalled seeing of the manuscripts on offer, and sent his memorandum to Robinson. The memorandum's contents were not made public at the time because Robinson and Emmel did not want the vendors to discover the significance of the material on offer and so increase its price. Robinson did, however, communicate some of the memorandum's content to various colleagues, including Hans-Gebhard Bethge (then at Berlin's Humboldt University) and Marvin Meyer (then a student of Robinson), who both made early mentions of the codex in their academic publications.

Emmel's memorandum is the earliest reliable account of the composition and condition of Hanna's papyri, including the codex, and in his book Robinson publishes it for the first time (pp. 117–20) and discusses its content in some detail. Emmel recorded three boxes containing papyri,

which comprised a mathematical treatise and a Book of Exodus, both in Greek, a Coptic manuscript Letters of Paul, and a Coptic codex with its back cover missing. The codex contained the First Apocalypse of James and the Letter of Peter to Philip, both texts already known to scholars, and a third, previously unknown text. He thought there were also possibly the remains of a second Coptic codex. Emmel counted page numbers in the codex up to 60, and he suspected that the back part of the codex might have been missing along with its back cover.

After the intended Geneva transaction had fallen through, in 1984 Hanna took the codex to the United States to look for a better market. He had good contacts in the Coptic community of New Jersey, who arranged a meeting for him with the Manhattan book dealer Hans P. Kraus, but again no sale was agreed. A second meeting between Kraus and Hanna was arranged for 27 March 1984 in the Columbia University office of Classicist Roger Bagnall. Bagnall later told Krosney that he had recognized the codex texts as 'Nag Hammadi' (p. 149), but at that time the Gospel of Judas had still not been identified. Again, however, the asking price was too high. Disillusioned, Hanna placed the codex in a safe deposit box at Citibank in Hicksville, Long Island, and returned home to Cairo.

The codex was to remain undisturbed in its box for 16 years. During that time, Robinson, who was in receipt of Emmel's report and of some photographs he had been sent by Koenen, had found a possible buyer for the codex in the person of Norwegian collector Martin Schøyen. Robinson also in 1990 made contact with Perdios in Athens. Between them they arranged that Perdios, Hanna, Robinson and Schøyen should meet in New York in January 1991 to discuss a possible sale, but the meeting was cancelled when Hanna refused to leave Egypt in the run-up to the 1991 Gulf War. Robinson didn't give up there. Krosney records that in 1994 Schøyen visited Robinson in Claremont, and in August the same year Robinson travelled to Norway to view Schøyen's collection. Schøyen subsequently bought 10 Dead Sea Scroll fragments 'that were housed at Claremont', each containing one letter, for \$50,000, and Krosney goes on to make the alarming allegation that Robinson personally transported the fragments



from Claremont to Norway, carrying them in a pouch around his neck to avoid attracting the attention of either US or Norwegian customs (p. 161). Not surprisingly perhaps, Robinson makes no mention of this escapade in his own account of events. In 1997 Robinson again made contact with Perdios, but nothing came of it.

### **The provenance of the codex 2000–2004**

After meeting with Perdios at her Zurich gallery in 1982, Tchacos had contacted the J. Paul Getty Museum curator Jiri Frel about a possible sale, who had in turn put her in touch with PhD student Roy Kotansky at the University of Chicago's Divinity School, though there does not appear to have been any follow up. Seventeen years later, in 1999, she received a phone call from a Greek person offering her a manuscript. She asked for photographs, which she then sent for identification to Robert Babcock, curator at the Beinecke Library at Yale University. Babcock advised that the manuscript most likely comprised pages taken from the Coptic codex recorded by Emmel in Geneva. Tchacos subsequently bought them. The photographs supplied to Tchacos had been taken against the background of a Greek newspaper dated to 21 October 1982, and she thinks the Greek seller was most probably Mia.

Tchacos remembered the visit of Perdios 16 years earlier. She had done business with Hanna since the 1970s, and in late 1999 during a visit to Egypt she made contact with him, and managed to persuade him to meet her in New York where she would buy the papyri. The purchase was agreed on 4 April 2000 for a price said by Tchacos to have been in the neighbourhood of \$300,000 (Cockburn 2006, 93). Unfortunately, the papyri had deteriorated badly during their 16-year sojourn in the safe deposit box, and were clearly in need of expert attention. Tchacos deposited them with Babcock at Yale, where they were also examined by Bentley Layton and Harry Attridge, both also of Yale. Layton became the first person to recognize that one of the previously unknown Coptic texts in the codex was in fact the Gospel of Judas. By August 2000, however, Yale's lawyers had vetoed the purchase of the codex because of its uncertain provenance, and it was returned to Tchacos.

According to Krosney (p. 211), the London-

based dealer Bill Veres had visited Tchacos in Zurich in June 2000 and suggested that the manuscript dealer Bruce Ferrini of Akron, Ohio might be a potential buyer. Veres had been introduced to Ferrini by a curator of ancient coins at Oxford's Ashmolean Museum. Tchacos contacted Ferrini, and after retrieving the papyri from Yale, she travelled to Akron where they agreed a sale on 8 September 2000. The price was \$2.5 million, and in return for the papyri Ferrini handed over two post-dated cheques for \$1.25 million each, one dated to 15 January 2001 and the other to 15 February 2001. Robinson quotes from the sales contract, which was subsequently posted by van Rijn on his website.

Ferrini's backer was US businessman James Ferrell, who arrived in Akron a few days later. However, by that time, Ferrell had lost faith in Ferrini and decided against buying the papyri. It is said that Ferrini had deep frozen the manuscripts to help separate the pages. On 11 September 2001 Ferrini offered them to Schøyen, but Schøyen's valuation of \$986,000 fell far short of Ferrini's requirements. Krosney (p. 215) suggests that Ferrini was in financial trouble, and Tchacos was worried that he might fail to honour the cheques. Ferrini himself has claimed that he pulled out of the deal because he didn't believe Tchacos's account of provenance (Schutten 2005). In December 2000 Tchacos and her lawyer Mario Roberty met with Ferrini and his lawyer Eric Kaufman in New York. Roberty had already spoken to Ferrini in October 2000 about the possibility of a charitable foundation to conserve and exploit the codex, and at the December meeting the idea was explored further through the concept of the 'Logos Project'.

According to Krosney (pp. 211–13), the idea of a foundation set up to conserve, publish and exploit the commercial content of the manuscripts occurred first to Ferrini and Veres, in autumn 2000. The plan was to put together teams that would perform the necessary scholarly work, another team 'to Do Film Journalism', while Ferrini and a friend would 'Sensationalize and Romanticize'. In a memorandum dating to 15 December 2000 quoted in part by Krosney, and more extensively by Robinson from a copy that is available on van Rijn's website, Roberty built on their idea and outlined to Kaufman plans for a



proposed Logos Project, which would be a charitable trust under Swiss law. Ferrini would pay Tchacos \$300,000 for the mathematical treatise and the Letters of Paul, he would return the codex and the Book of Exodus to Tchacos (in exchange for his cheques), Tchacos would then transfer the manuscripts to the Logos Project in return for 80 per cent of the Project's future income from commercialization. Ferrini was offered the option of buying into the Project for \$1,100,000 in exchange for half of Tchacos's rights to any future revenues. The purpose of the Logos Project would be to:

... save and publish the Gospel of Judas and other related manuscripts for the benefit of historical truth and to generate the funds necessary for this task as well as for the compensation of the expenses and efforts incurred by he promoters, leaving them with a decent profit.

Ferrini could not have been too keen on the idea of collaboration, because Roberty decided to involve Michel van Rijn as a means of bringing pressure to bear on him. Van Rijn maintains a widely-read and scurrilous website on which he reports and passes opinion on the illegal art and antiquities trades. On 27 January 2001, he announced to the world that Ferrini was in possession of a papyrus codex containing the Gospel of Judas, that Tchacos had set up a public foundation to arrange for its receipt, but that Ferrini was trying to sell it to Japan. He also hinted of legal proceedings and criminal prosecutions. This web posting seems to be the first public announcement of the existence of the Judas Gospel. Robinson suggests, from reading an e-mail sent by Roberty to van Rijn that was available on van Rijn's website, that Roberty had actually written the text for this posting (Robinson p. 135). If he is right, then Roberty was directly responsible for leaking news about the Gospel. Roberty was later to admit that 'deploying van Rijn worked' (Cockburn 2006, 95), a surprising admission perhaps for a practising lawyer, but he was right, and within a month the codex was back in the possession of Tchacos.

On 16 February 2001 at Akron, Ferrini paid Tchacos \$100,000 for the Greek mathematical treatise and returned to her the remaining papyri, including the codex. Krosney (p. 228) states that it was on the flight home to Switzerland that Roberty persuaded Tchacos to hand over the papyri to

his Maecenas Foundation for Ancient Art, though van Rijn's web posting of 27 January 2001 had already mentioned the existence of a 'public foundation'. Kasser says that the Maecenas Foundation was founded by Roberty in 1994 (p. 55) and according to Krosney it has 'participated actively in supporting several archaeological digs in Egypt, safekeeping the archaeological collection of the Republic of Tajikistan, and cooperating in other archaeological projects in the various countries of the former Soviet Union as well as China' (pp. 228–9). Robinson suggests otherwise — that the only purpose of the Maecenas Foundation is 'to commercialize The Gospel of Judas and other less sensational texts' (p. 139). His view is shared by Ted Waitt, who ultimately provided financial support for the National Geographic project (see below), and who has been quoted as saying that the 'foundation is just a vehicle for Mario Roberty and Frieda Tchacos ... to make money' (Bell 2006). On 19 February 2001 the codex was imported into Switzerland as the property of the Maecenas Foundation. Roberty has been quoted as saying that in exchange for the codex he paid Tchacos \$1.5 million and half of any proceeds that might accrue from its commercialization, and that he put \$1 million into the initial work of restoration (Gugliotta & Cooperman 2006). This transaction has been confirmed by Tchacos (Felch & Frammolino 2006).

Ferrini subsequently separated the Greek mathematical treatise into two parts. One part he sold to an unnamed US collector through the mediation of London dealer Sam Fogg. It is being studied by Alexander Jones of the University of Toronto together with Columbia's Roger Bagnall. The second part (of three pages) he sold to US collector Lloyd Cotsen, who deposited it in the University of Princeton's archives, where it was recognized by Jones. Ferrini filed for bankruptcy on 15 September 2005.

Ferrini also involved Charles Hedrick of Southwest Missouri State University. Hedrick occasionally identified material for Ferrini, and in late 2000 Ferrini sent him nearly 200 digital images and photographs of the codex and associated papyri. Hedrick circulated these images and his own transcriptions of the texts to several of his colleagues, including Robinson. Tchacos and Roberty were alarmed by the prospect of Hedrick



publishing a full translation of the Gospel before their own plans were fully mature because, according to Krosney, a pre-emptive publication would lead to 'misinterpretation or inaccurate speculation' (p. 252), or, according to Robinson, it might threaten their chances of 'of making big money from sensationalizing the text' (p. 144). Ferrini's despatch of photographs was in breach of his agreement with Tchacos, by which he was obliged to return all photographs and images of the papyri to Tchacos along with the material itself. When they became aware of Hedrick's photographs, Tchacos and Roberty contacted him through a Cleveland law firm. Hedrick replied that he held the material legally and in June 2002 he gave first notice in the academic literature of the existence of the Judas Gospel in *Bible Review* (Robinson p. 131). Hedrick had transcribed and translated pages 40 and 54–62 of the codex.

On 24 July 2001, Roberty and Tchacos met Coptologist Rodolphe Kasser of the University of Geneva at a cafe in Zurich to show him the codex and to explain their plans for its restoration, publication and eventual return to the Coptic Museum, and a follow-up meeting in September included Florence Darbre, chief restorer from the Bibliothèque Bodmer. After this second meeting, the manuscripts were deposited with Kasser and Darbre for restoration, conservation and study. For three years they worked on the material and were joined by Martin Krause, formerly of the University of Münster, who was later succeeded by Gregor Wurst, also of Münster.

On 1 July 2004, Kasser, speaking at the Eight International Congress of the International Association for Coptic Studies in Paris, announced the existence of a previously unseen Gnostic Gospel of Judas. He said that restoration work was being supported by an anonymous Swiss foundation and the intention was that the codex would be returned to Egypt.

### **The National Geographic project**

Krosney first heard about the Gospel of Judas in autumn 2000 from a client of Ferrini, and by June 2004 he had tracked it down to Switzerland. He approached the National Geographic Society about publication opportunities and must have convinced them because on 5 December 2004 a team assembled by the National Geographic met at Nyon

in Switzerland with Kasser, Darbre, Tchacos and Roberty. The National Geographic team comprised Bart Ehrman of the University of North Carolina, Chapel Hill, radiocarbon specialist Timothy Jull of the University of Arizona, and Stephen Emmel; they were joined by John Huebesch of the Waitt Institute for Historic Discovery.

Van Rijn must have had notice of this meeting, presumably from Roberty, as he had already announced on his website on 3 December 2004 that the National Geographic were going to film the Gospel. He had also mounted a photograph of the final page of the Judas Gospel together with Hedrick's translation of the text. Robinson thinks this was the first public mention of National Geographic involvement, but that at the time it attracted little attention (pp. 161–2). On 31 March 2005 van Rijn published photographs of three pages of the Allogenes text, together with transcriptions and translations by Hedrick. In November 2005 Robinson was contacted by the journalist Patrick-Jean Baptiste, who told him that National Geographic planned three books as well as magazine articles and television programmes. Robinson was able to reveal these plans on 20 November at the Society of Biblical Literature meeting in Philadelphia. Baptiste himself published in the January 2006 issue of *Sciences et Avenir*.

After National Geographic's 2006 launch, it was reported in the press that in 2005 the National Geographic had indeed bought the publication rights for the contents of the Judas Gospel with \$1 million donated by the Waitt Institute (Gugliotta & Cooperman 2006). The full financial details of the arrangement have not been made public, though a spokesman told the *Washington Post* that Maecenas would receive 'some compensation' from book sales (Gugliotta & Cooperman 2006).

### **The deterioration of the codex since its discovery**

The extent of deterioration of the codex since its discovery can be assessed from the expert albeit limited examination of Emmel in 1983 (Robinson pp. 117–20), and the more thorough report on the present condition of the codex produced by Kasser and his team. Emmel thought that the codex had probably been discovered intact. He noted that the front leather cover of the codex



was present, but that the back cover, with part of what is now known to be the fourth text, had probably disappeared since discovery. There were between 54 and 56 pages. By the time Emmel saw the codex it had been divided into two parts by a horizontal break, so that all pages were represented by a smaller upper part (containing page numbers but not much text) and a larger lower part (containing the major part of the text). Already by 1983 these page parts had been 'shuffled' — Kasser (p. 55) has recognized that one of the 'pages' on a photograph sent to Tchacos at that time was actually a composite of two pieces from different pages.

Kasser was clearly shocked by the condition of the codex when he first saw it on 24 July 2001. He writes about the codex 'so precious but so badly mistreated, broken up to the extreme, partially pulverized, infinitely fragile, crumbling at the least contact' (pp. 47–8). His 2006 assessment was that 66 pages survive, containing the first three texts including the Gospel of Judas, but that the fourth text, the provisionally named and previously unknown Book of Allogenes, bound last in the codex, has been badly damaged and lost a number of its pages. The width of the horizontal break has been increased to between one and two centimetres by further fragmentation and crumbling. Emmel thinks this has happened since his 1983 examination (Kasser p. 57). In all, Kasser thinks that between 10–15 per cent of the codex has disappeared.

Not surprisingly, Kasser is highly critical of Ferrini's reported freezing (pp. 60–61), explaining the physical damage that would ensue. He is also critical of the practice of dealers to break open manuscripts for photography (p. 69). His impression is that the pages of the codex were 'shuffled about to optimize its commercial appeal' (p. 70), and he concludes from the photographs sent to Hedrick that Ferrini must have forcibly opened the codex in several places (p. 74). For his part, Ferrini claims that when returning the codex to Tchacos because of its dubious provenance, one of the recipients slammed it on to a table and tiny pieces flew off. Hedrick, who reported this incident to Robinson, does not think that Tchacos would have damaged her merchandise in such a fashion, though Robinson himself is not so sure (p. 148).

When receiving the codex back from Ferrini,

Tchacos had not properly checked that it was complete. Indeed, given its poor state of preservation at the time, a thorough check would probably have been impossible. On 12 March 2001 an 'Ivy League papyrologist' 'who had once examined the codex in some depth'<sup>3</sup> (Krosney pp. 231–2) examined the recovered material in Switzerland and pronounced that several pages were missing. Nothing more was heard about the missing pages until November 2004 when Tchacos learned from Veres that Ferrini had probably sold some individual pages of the codex before returning it. In January 2006 two pieces of the Gospel (the lower parts of codex pages 37 & 38) were returned by an unnamed New York collector who had acquired them from Ferrini. In April 2006 more papyrus fragments that might be from the Gospel turned up in the hands of Ferrini's receiver (Kropko 2006). Kasser thinks that some pieces of the codex are still missing, including the upper part of page 31 and lower part of page 32, with the final title of 'James'. He has identified a possible composite of these two pieces in the catalogue of a travelling religious exhibition in the United States, though has not named the exhibition (p. 71).

### **The apotheosis of Frieda Tchacos-Nussberger**

For her part in acquiring the codex the National Geographic seems keen to cast Tchacos in the role of saviour, a role which Tchacos herself seems quite comfortable with. She has been quoted as saying 'I think I was chosen by Judas to rehabilitate him, I think the circumstance of this manuscript coming to me was predestined' (Felch & Frammolino 2006), and 'I wanted to protect them and give them to people who could read them and conserve them. I wanted to save them.' (Krosney p. 157). Krosney's own opinion is made clear in his Acknowledgements where he thanks Roberty and Tchacos for 'trying to rescue an historical artefact from the darkness to which it had been condemned' (p. 308). Fundamental to her apparent apotheosis are her responsibility in ensuring that the codex was properly restored and her charity in returning it to Egypt. But are these true depictions of her actions and motives? Tchacos, it must be remembered, sold the codex to Ferrini, a person she hardly knew, in the hope of making a quick \$2 million profit, and Fer-



rini's rough handling has in turn been blamed for causing the codex unnecessary damage. Perhaps Tchacos should shoulder some of that blame for not being properly diligent in ascertaining the expertise and motives of her customer? It is also far from clear that her decision to return the codex to Egypt was a voluntary one. The first mention of Egyptian involvement is in the memorandum Roberty sent to Kaufman on 15 December 2000, so the decision must have been made after that date but before the July 2001 meeting with Kasser. Krosney suggests that it was made on the flight home to Switzerland. The relevant paragraph in the December 2000 memorandum makes for interesting reading:

Depending on the conclusions we will reach regarding Frieda's title to the manuscripts, we will decide on the further steps to be taken with regard to the legal protection of the Project, including — if necessary — notification to the Egyptian authorities.

This paragraph suggests that the decision to return the Gospel to Egypt might not have been a voluntary one after all, but a pragmatic response to potential dangers posed by the questionable legality of the codex's provenance. It is important to remember that in early 2001 a police investigation was under way into the activities of US antiquities dealer Frederick Schultz, and in July 2001 he was charged in New York with handling archaeological material stolen from Egypt. The antiquities restorer Jonathan Tokeley-Parry had been convicted only a few years earlier in 1997 of a similar offence. Tokeley-Parry and Schultz must have been known to Tchacos,<sup>4</sup> and perhaps she drew the sensible conclusion that the time was not a propitious one to be caught holding an Egyptian antiquity of uncertain provenance, and so decided to offer its return. Roberty himself said as much in the memorandum:

From a first risk analysis we have concluded that the US are to be considered a potentially risky territory for the manuscripts due to political considerations possibly taking precedence over pure legal aspects, especially when involving application of principles of foreign law.

This sounds like a direct reference to Schultz, whose prosecution was opposed by the trade community on the very grounds that Roberty mentions.

In any event, and despite protestations to the contrary, her actions have hardly been borne out of a charitable impulse — she has in fact made

quite a profit. She bought the codex and its associated papyri for something like \$300,000 and recouped \$100,000 when she sold the mathematical treatise to Ferrini; she then made a further \$1.5 million from the subsequent sale of the codex to Roberty. Thus at the present time she has made more than \$1 million out of the codex, and stands to make more from the various National Geographic ventures.

Roberty and Tchacos had taken the decision to return the codex to Egypt several years before the National Geographic became involved in 2004. But by then there was another problem. It has been widely reported that in February 2002 Tchacos had been arrested in Cyprus and placed under house arrest pending interrogation by the Italian authorities. On 17 September 2002 she was convicted of handling stolen artefacts. It hardly seems likely that the National Geographic would want to enter into a commercial arrangement with a convicted dealer, though when challenged on the point, the National Geographic stated that it could find no evidence of a conviction (Felch & Frammolino 2006), and Tchacos herself has denied the conviction, calling the situation 'equivocal' (Felch & Frammolino 2006). However, an Italian state prosecutor has confirmed the conviction (Meier & Wilford 2006), and told the *Los Angeles Times* that 'In the past, she was at the center of the looting in Italy'. Two of the artefacts Italy is reclaiming from the J.P. Getty Museum were sold to the museum by Tchacos. A third piece the museum had bought from Tchacos was returned to Italy in 1999 after it was discovered to have been stolen (Felch & Frammolino 2006).

Clearly, for the National Geographic to proceed with the collaboration, it would want to reassure the public that Tchacos's business practices were above reproach. From the positive and sympathetic way in which she is portrayed in the two National Geographic-authorized books, particularly the one by Krosney, it is hard to avoid the conclusion that the National Geographic deliberately set out to rehabilitate Tchacos by casting her in the role of altruistic saviour. This much is clear from the quotes discussed earlier, but also from the sympathetic treatment accorded to her by Krosney.

Krosney refers to Tchacos routinely throughout his book by her first name Frieda, while calling everyone else by their second names (including



the only other significant female protagonist Florence Darbre). The constant references to 'Frieda' evoke in the reader a feeling of familiarity, and ultimately sympathy, which is reinforced by the empathetic reporting some of Tchacos's actions and recollections. In 2000, for example, Krosney says she arrived at New York 'feeling nervous, all alone' (p. 206). When faced with the costs of restoration she says 'How can I, little Frieda, do this job?' (p. 206). She describes the Akron recovery meeting as follows:

Never in my career had I had to undergo such a restitution with litigations and legal representatives all around me. ... I was mortified to the bone ... Everybody looked at me inquisitively ... I nodded sheepishly (p. 224).

Whether calculated or not, this authorial brushwork conjures a cultural stereotype: the caring and sensitive woman adrift in the hard-nosed commercial world of men. Yet this depiction of Tchacos may be far from accurate. She had, after all, for more than thirty years made a successful career out of trading antiquities, she is fluent in several languages and regularly travels around the world. When first introducing Tchacos in his book, at a time before she had become involved with the codex, Krosney describes her as 'tough and temperamental' (p. 37), and says that 'Dealers are a tough breed, and few women have made it into the ranks of the elite' (p. 66). He sees her to have been a credible rival to the Greek dealer Koutoulakis, whom he describes in turn as a tough fighter (p. 69) and one who 'was unparalleled in his ability to trade advantageously' (p. 68). Would this tough rival to Koutoulakis, this successful and cosmopolitan businesswoman, really be nervous when entering New York and nod sheepishly when looked at by a couple of lawyers? Or is it simply another sales pitch, this time selling Tchacos to the general public for the benefit of the National Geographic?

Krosney does not mention her 2002 arrest. When interviewed by the *New York Times* he said that Roberty was 'dismissive' of 'rumours' about Tchacos and Italy, and that he had never asked her about it (Meier & Wilford 2006). This arrest was made as part of a long-term and wide-ranging Italian investigation into antiquities smuggling that culminated in 2005 with the arraignment of Getty Museum curator Marion True and US dealer Robert Hecht in an Italian court. Krosney

does mention this trial (p. 76), which makes his failure to mention the reported involvement of Tchacos even more surprising.

### **A positive outcome?**

The propriety or otherwise of the collaboration between the Maecenas Foundation and National Geographic will ultimately be judged on its results. Is the outcome a positive one for the Gospel, the public, and Egypt, or could there have been a better outcome if events had taken a different course?

To deal with the second question first, could there have been a better outcome? The legality of the export of the codex from Egypt was questionable, to say the least. Because the Egyptian authorities were never aware of the codex while it was still in Egypt, it is impossible to say how they would have reacted to a request for export, but almost certainly, if the precedent of the Gnostic Nag Hammadi texts is anything to go by, they would have refused it. The Nag Hammadi texts were taken into state ownership after payment of compensation to the dealer who held them (Robinson 1988, 24).

Over the years, many scholars came into direct contact with the codex, though not always recognizing its true significance, and others learned about it indirectly from colleagues in academia and the trade. Many of these scholars were aware that the codex had been taken out of Egypt unlawfully. Emmel for example is quoted in Robinson (p. 97) as saying in 2005 that '... there was no question but that this material should have been in Egypt'. The Beinecke Library took a similar view when it turned down the chance to acquire the codex. Yet despite widespread knowledge of its uncertain provenance, not one single person seems to have alerted the Egyptian authorities or indeed any law enforcement agency about the existence of the codex. Bagnall told Krosney that although it was known at the time that the 1983 Egyptian antiquities law had just taken effect, 'no one in the manuscript trade was taking it seriously' (p. 147). In fact, the usual and thus presumably conventional response was to hunt around for a financial backer to support a purchase. For the 1983 Geneva meeting, Harold Attridge had secured \$50,000 from the Southern Methodist University at Dallas (Robinson p. 93); in the late 1980s Robinson approached Schøyen



and in the 1990s he negotiated with the Canadian Bombardier Foundation (Robinson p. 114). The idea that Egypt might have a legitimate claim to ownership seems not to have entered anybody's head, except perhaps as a possible complication of acquisition.

One reason for this apparent reluctance to report the codex to an appropriate authority is perhaps simple academic cupidity. Scholars were motivated by the opportunity to produce the first and authoritative translation and interpretation of the text, with the academic prestige that would follow. Even Robinson, who seems to favour open scholarly access, is disappointed that the Schøyen purchase fell through (p. 128), perhaps because it would have assured him a leading role in study and publication. If intellectual curiosity alone had been governing the academic agenda, there were several opportunities to secure the return of the codex to Egypt, and to arrange for its conservation and publication by an international team. If prompt action had been taken in the 1980s, for example, it might have prevented the damage caused by 16 years in a safe deposit box and Ferrini's clumsy surgery. Perhaps it is wrong to be too critical of academic practice in the 1980s, the 2000 decision of Yale not to acquire the codex is a sign that attitudes are changing. But even though Yale quite clearly had doubts about the provenance of the codex, it still failed to take the further step of alerting the Egyptian authorities or the police.

As regards the second question, it is not possible to say at the present time whether the outcome is a positive one for the Gospel and all interested parties or not. Although the Gospel will be returned to Egypt, no mention has been made of what — if any — financial arrangements are in place to accompany its return, and whether any provision has been made for the recurrent costs that will be incurred by the Gospel's long-term storage, conservation and display at the Coptic Museum. It is equally unclear what property rights will accrue to Egypt, and this is an important point. If, for example, the Coptic Museum decides to raise money on the Gospel through media collaborations, will it be free to do so or will it be regarded as an infringement of the National Geographic's publication rights? Perhaps this eventuality will not arise because the physical codex itself no longer matters as an intellectual or commercial resource. Its content will in future

be channeled onto the world market through the offices of the National Geographic for the benefit of the National Geographic and the Maecenas Foundation, and even with full property rights, there might not be much of a market left for the Coptic Museum to exploit.

If no financial provision has been made to secure the future of the Judas Gospel, then its return will set a dangerous new precedent. It will be deemed acceptable for an illegally-exported artefact to be stripped clean of its commercial potential before being restored to its rightful owner, who will then be expected to pay for its long-term curation. E-mail questions on this subject addressed to the National Geographic were answered with an assurance that the National Geographic will 'certainly help all we can to preserve this document in the future', which is heartening, but that 'we cannot offer financial details', which is less so.<sup>5</sup> The answer fell short of a firm assurance that the Gospel is well-provided for. Until the 'financial details' are made public, the propriety of the National Geographic–Maecenas collaboration will remain in doubt.

## Notes

1. All material relating to the Judas Gospel on Michel van Rijn's website can be found at <http://www.michelvanrijn.nl/artnews/judastotal.htm> (last accessed 19 March 2007).
2. Even though he had previously recovered two stolen gold artefacts from the possession of London dealer Jack Ogden on the pretext of restoring them to their 'rightful owner'. Koutoulakis subsequently sold one of these pieces to dealer Peter Sharrer (Krosney pp. 99, 104).
3. Presumably the 'Ivy League scholar' must be one of the three Yale academics who studied the Gospel while it was in the Beinecke Library. Why the sudden shyness is not made clear. Krosney also offers thanks in his Acknowledgements to the 'Ivy League scholar who has played an enormous positive role in bringing the manuscript to light and who deserves a medal for his still largely unknown efforts' (p. 308).
4. Jonathan Tokeley-Parry has recently published a book reproducing some pages from his 'journal' (Tokeley 2006), in which he often disguises the identities of individuals by substituting a letter of the alphabet for their name. He records in 1987 that with the knowledge of the Egyptian authorities a female Swiss dealer 'G' operating out of Galerie 'M' in Zurich was entering Egypt under different names and with different passports and was collaborating with an Egyptian citizen to move antiquities out of Egypt (pp. 220, 234, 238).
5. Reply sent to author on 12 February 2007.



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NEIL BRODIE





## Editorial

I have been asked several times recently about the genesis of the government's Illicit Trade Advisory Panel, whose report in December 2000 is generally considered responsible for the United Kingdom's accession to the 1970 UNESCO Convention. For once, it is a question I can answer with some degree of authority. In April 2000, the IARC was working with Maurice Davies of the Museums Association towards a final draft of *Stealing History*, a report commissioned by the Museums Association and ICOM-UK to recommend guidelines for museums policy towards the trade in cultural and natural materials. At a reception, Maurice met Madeleine Holt, who was at the time arts correspondent on the BBC2 television current affairs programme *Newsnight*. Madeleine was interested in covering our work on *Newsnight*, and the three of us met to discuss a possible piece. It was screened on 12 April. First there was a short documentary report on the illicit trade, including interviews with Maurice and myself, and highlighting what were likely to be the recommendations of *Stealing History*. Then there was a debate chaired by Jeremy Paxman, with Colin Renfrew in the studio and the then Minister for Arts Alan Howarth on a live television link. After a few minutes discussion, Alan Howarth announced his intention to set up an expert advisory panel to consider the problems involved and invited Colin Renfrew to be a member. Colin Renfrew accepted and ITAP was born. It was formally convened on 24 May 2000 under the chairmanship of Norman Palmer.



The saga of the Schøyen incantation bowls continues. I reported in the last issue that in 2004 University College London (UCL) convened a committee of enquiry to investigate the provenance of 654 Aramaic incantation bowls belonging to Martin Schøyen that had been deposited at UCL for study. The committee submitted its report in 2006. The original UCL

announcement stated UCL's intention to publish the report's conclusions, but this has not happened. Furthermore, UCL has recently informed several people (myself included) that the report is a confidential document and that UCL is not able to enter into discussions about its subject matter. No explanation has been offered as to why UCL appears to have changed its mind over publication.

On 9 March 2007 the Schøyen Collection announced that it was to commence legal proceedings against UCL for the return of the bowls. These legal proceedings have now concluded. On 26 June 2007 the Schøyen Collection and UCL issued a joint press release announcing that 'UCL has no basis for concluding that title is vested other than in the Schøyen Collection', and that UCL has now returned the bowls and 'agreed to pay a sum in respect of its possession of them'. Presumably payment was part of the settlement, although it is not specifically stated. Perhaps non-publication of the report was another part? It seems strange though. If there is nothing in the report to incriminate Martin Schøyen, and presumably there isn't or UCL would not have returned the bowls, there should be no problem with its publication.

It is also strange that UCL has agreed to 'pay a sum' to Schøyen in respect of possession when Schøyen himself had deposited them at UCL for study. Schøyen stands to make quite a profit from academic collaboration. Incantation bowls with translated texts are offered for sale with prices anything up to ten-times those asked for bowls without translations. The study and translation of Schøyen's bowls at UCL will have increased their monetary value quite substantially. And then UCL paid more on top. Nice business.



This is the last issue of *Culture Without Context*. After 10 successful years, the McDonald Institute has decided that it will not support the Illicit Antiquities Research Centre past 30 September 2007, and so the Centre will close on that date.



## Artefacts in the closet: displaying cultural objects that are victims of illicit trafficking

PONTUS FORSLUND

The region of Sipán is known to museum workers worldwide as the provenance of the infamous Moche objects that were looted and illegally traded in the late eighties. Some artefacts have been returned to Peru, but there are many more still to be found in private collections and in western museums. Although the looting of Sipán escalated in the late eighties, it had been endemic for many years before that, so that the majority of these artefacts have lost their historical context. This tradition of plundering and illegal trade has distributed the Sipán objects all over the world. One is on display at the Museum of World Culture in Gothenburg, Sweden.

The Museum of World Culture is a fairly new museum, a product of the Social-Democratic government's active cultural policies, that opened its doors to the public in December 2004. The museum owes its foundation to Gothenburg's Ethnographic Museum, a traditional museum of its time and once a part of Gothenburg Museum, which possessed rich collections of objects mainly from South America. The institution was firmly established as a leader in its geographical field during the early decades of the twentieth century by the museum director, the professor and Baron Erland Nordenskiöld. By the early 1990s, however, the museum was suffering and in need of reform to meet the standards required of a modern museum with a global perspective and a mission to encourage social inclusion and dialogue. So, the Museum of World Culture was established and Gothenburg's Ethnographic Museum ceased to exist, with the ownership of the collections of the Ethnographic Museum being transferred from the municipality of Gothenburg to the state of Sweden.

Exhibitions at the Museum of World Culture seek to contradict popular images of the exotic and create awareness of current, pressing global issues like HIV/AIDS and trafficking. The latter issue is the theme of the newly opened exhibi-

tion named simply 'Trafficking'. The exhibition deals mainly with the trafficking of people for cheap labour or sexual exploitation, but there is also a section that deals with the trafficking of cultural objects and the museum's own part in it. The objects displayed in this section are as stated in its introductory text: classic examples of the ambiguous relationships between museum ethics, collecting, and laws for the protection of cultural objects. All the objects in the exhibition have their provenance in Latin America, which is the museum's traditional area of interest. This section of the Trafficking exhibition has a vivid sense of ideological urgency about it. The museum has inherited some ethical and legal baggage from the old Gothenburg Ethnographic, and this exhibition has provided an ideal opportunity to tackle some of the issues that such a legacy brings.

So, for example, probably like many other exhibitions on historic Peru, it displays an artefact from the Sipán region dating back to the Chimú period (Fig. 1). The artefact might be a piece of chain mail, but then again it might not be, and the accompanying label doesn't say anything about its original purpose. The label does say, however, that it was smuggled out of Peru in 1972 and sold to the museum. The seller/donor has been kept anonymous and the protection of his or her identity is probably due to fact that the export of cultural objects was illegal in Peru, which could jeopardize the dealer's activities in the country, although the acquisition was perfectly legal in Sweden. The questionable acquisition of the object (it had been bought by the donor in Peru from tomb robbers) has resulted in a weak informational context that raises questions about its authenticity and cultural meaning. The then director of the museum tried frantically and retrospectively to gather information about the artefact, but without any real success. It was exhibited in 1973, and now again in 2006, but in a context totally different to that intended by the seller and the museum curator responsible for its acquisition.

Another glass case features some classic Nazca *huaco* vessels, with charming animal aesthetics, purchased by the museum in 1932 from a Swedish diplomat. Again the country of origin is Peru, but in this case more can be said of its acquisition and the dubious ethics of Gothenburg. Maybe this fact is not obvious from the labels in



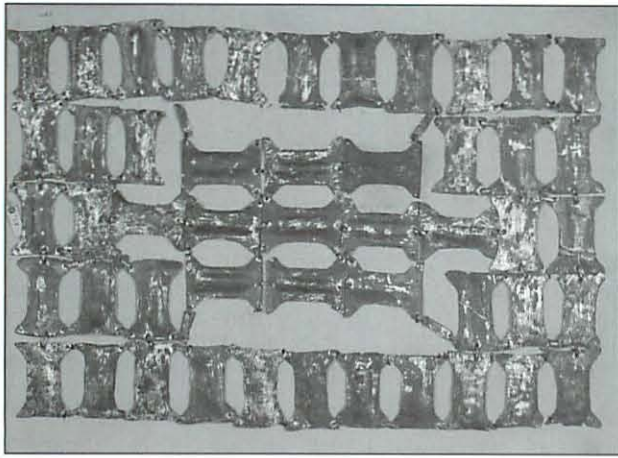


Figure 1. *Sipán object.*

the glass case, but a museum educator wishing to make tours and programmes a bit more informative has something to reveal. It must be common for museums around the world to have connections with diplomats at their country's embassies and consulates abroad. Often these foreign-based personnel are found to be prominent donors of objects to museums, which is the case here. But why diplomats? Why do we find these people to be donors and sellers of cultural objects? Museum directors and diplomats might be found together in high society, smoking cigars and sharing their interests in art, history and culture. Maybe there is a connection there. Perhaps too the difficult logistics of transport should not be underestimated. There are many examples, and the 1932 collection from Peru is one, where cultural objects have been smuggled through diplomatic channels.

The Swedish Consul General in Lima, who was himself interested in the material culture of Peru's heritage, had contacts among *huaqueros*, grave robbers, who could provide him with artefacts suitable for the Gothenburg Museum. The problem was of course that the export of such goods was against Peruvian law. The solution was a method still current today. It was easy to use the diplomatic bag, and in this case ship the cultural cargo as the personal belongings of a Swedish envoy, who enjoyed diplomatic immunity, and declare it at the museum once it had arrived in Gothenburg. A seemingly elaborate scheme, but probably standard practice. The label states that the Consul General wished to remain anonymous, although a search in the museum's archives quickly reveals his identity. He was wise to ask for anonymity considering his profession, and although his name will not be exposed here, it is

interesting to find it inscribed with gold letters on a marble plaque listing donors at the former home of the Ethnographic Museum, now the Gothenburg City Museum. Some get thrown in jail for smuggling, others get their name inscribed in gold on marble for public esteem at an institution of cultural heritage. His 1932 collection was exhibited in the same year and now in 2006, again in a context totally different to that intended by the donor and the acquiring museum curator.

The pattern is recognized again in another glass case filled with objects from a 1975 collection sold to the museum by a Swedish diplomat and government official, known after a television investigation as the 'looting ambassador'.

The exhibition has omitted the names of sellers and donors because its purpose is to focus on the trafficking phenomenon, highlighting the unclear relations that exist between ethics, laws and collecting. Finger-pointing and the condemnation of individuals are thought likely to shift attention away from the wider picture of western attitudes towards the trade of cultural objects. Maintaining focus by omitting names does create curiosity as to reason, and a conspiracy-theorist might suspect a discreet cover-up. Perhaps the names aren't important, and could be counterproductive to the exhibition's aims, but the fact that many collections have been bought and sold illegally and immorally by Swedish government officials cannot and should not be ignored as they are perfect examples of methods and attitudes that might still be current today.

In relation to the main part of the Trafficking exhibition, dealing with the modern human slave trade, the section on illicit artefacts feels like a pale parenthesis — its urgency fails in comparison to the human misery on display in the rest of the gallery. But somewhere, somehow, this kind of trafficking is also important, and the resources must be found to stop it. The artefact section of the exhibition does, however, provide a perfect resource for educators wishing to inform the public about tomb robbing, museum ethics, artefact values, preventative laws, collecting, and global inequalities in wealth and power, and to discuss the issues involved. The Museum of World Culture, like almost every other museum of its kind, has many more artefacts in the closet. Its intention in raising these issues is honourable, but should not be praised too highly. Other exhibitions in the



museum also include some questionable acquisitions where information to the visitor is denied due to carelessness or budgetary constraints. Like the borrowed royal Benin bronze head, from the Ethnographic Museum in Stockholm, that stands anonymous like a Swedish Consul General in a glass case with no information available to the visitor unless revealed by an educator. There are numerous themes that could be discussed through this object: African kingdoms, British aggression,

museum ethics, and repatriation. They are, however, other stories, but unlike the Swedish Consul General, the Benin bronze probably did not ask for its anonymity. It is an artefact on display with its context still left in the closet.

PONTUS FORSLUND  
Museum of World Culture  
Gothenburg  
Sweden

## Archaeologists, collectors, museums and John Boardman

NEIL BRODIE

John Boardman has recently offered us his views on the antiquities trade (Boardman 2006). The issue, as he sees it, is clear: a small clique of 'politically-correct' and 'philistine' archaeologists and legislators imbued with a 'fanaticism of disgust' have embarked on a 'witch-hunt' against a broader constituency of collectors and museums. The 'restrictive practices' of this clique produce a 'censorship of scholarship' that is 'unrealistic', 'unjust and dangerous'. Meanwhile, in the 'real world', motivated by a 'spirit of discovery' and a 'zeal for antiquity', the collectors and museums 'save for scholarship and public enjoyment' antiquities that would otherwise be lost or destroyed, and 'blessed with perception and scholarly expertise' they 'share knowledge and information' derived from their study of them.

Boardman's dichotomy is poorly drawn as most museums these days would line up alongside his politically-correct clique of archaeologists, while some archaeologists (including Boardman) would throw in their lot with the collectors. What is striking about his paper though, as the above-mentioned quotes show, is that he couches his argument in such emotive language. Sometimes, the accusations he makes are not worthy of a scholar of his standing; his claim, for example, that the actions of archaeologists concerned to stop plunder are 'matched most obviously by the wilder reaches of the Animal Rights movements',

extremists known for their violent crimes against persons and property, is absurd and no substitute for reasoned argument. Unfortunately, and perhaps not surprisingly, behind the rhetoric, there is very little of substance and much that is factually incorrect.

Boardman repeats the usually unfounded assertion that most unprovenanced artefacts appearing on the market have not in fact been looted, but are 'chance finds'. Unusually, however, to substantiate his claim, he provides examples drawn from his own personal experience. He describes how in the 1950s while on a walking tour of Boeotia he was shown a sack full of Classical figurines by a farmer who had found them on his fields. The implication for the reader is that in Greece collectable antiquities are regularly found by chance and in some quantity. But archaeological research shows that this is not necessarily so. Over the past 30 years, the methodology of field survey has been developed and refined as a technique of diachronic settlement analysis. Large tracts of land are walked systematically by teams of archaeologists, the locations of any artefact concentrations are noted and any significant artefacts are recovered for study and publication. Any saleable artefact would almost certainly be recovered for study, publication and curation. The results of many surveys conducted in Greece have now been published. Objects of scholarly significance have been discovered, and despite Boardman's claim to the contrary, no one has ever claimed otherwise. But scholarly significance and monetary value are not always the same thing, and the fact remains that systematic surveys have not recovered the large quantities of saleable artefacts that Boardman's anecdote would predict. Of course, it is always possible that the very reason that such surveys have not





**Figure 1.** *Display of excavated artefacts in the Athens Metro.*

recovered such material is that it had previously been collected by farmers and sold. If this is the case, it might introduce a severe recovery bias into survey methodology and distort any historical conclusions drawn from survey data — one of Gill and Chippindale's 'intellectual consequences' — though Boardman does not elaborate on this possibility.

Boardman goes on to say, however, that most 'chance finds' are probably thrown up by construction projects cutting through archaeological sites, citing his own observations in Athens and Chios. The market, he thinks, acts beneficially in such circumstances by rescuing artefacts that would otherwise be lost. Maybe so, but it is hardly an ideal solution. A better strategy is to ensure that damage caused to archaeological heritage by building is minimized by appropriate proactive intervention. PPG-16 was introduced in UK with such a purpose in view, and is generally considered a success (Wainwright 2000, 926). Similar rules are now in place in Greece, and the construction of the Athens Metro provides an excellent example of their utility. Sites encountered during tunnelling were excavated and reconstructions of the excavations together with associated finds are now imaginatively displayed in the relevant Metro stations of central Athens, where they are available for viewing free-of-charge by passers-by (Figs. 1 & 2) (Parlama & Stampolidis 2000). A better strategy surely for the archaeological heritage of Athens than site destruction followed by the 'rescue' of collectable artefacts by foreign collectors, a better strategy at least for those members of the public who spend more time on the Athens Metro than in the homes of collectors.

Boardman accuses archaeologists who oppose the illicit trade of 'censorship of original scholarship' and writes that he was 'brought up to believe that censorship is worse than theft'. He is referring to the policy of some journals to refuse first publication of unprovenanced artefacts. But things are not always what they appear. Some information about the provenance of so-called unprovenanced artefacts must always be known, sometimes, as the case of the Judas Gospel has

shown, a lot is known and will be published when it is profitable to do so. Most times, however, provenance-related information is never released into the public domain, which is why artefacts continue to labour under the epithet 'unprovenanced'. Dealers argue that they keep provenance secret so as to protect client confidentiality or to hide the identity of a source. Sceptics argue it is to facilitate illicit trade. Either way, commercial practice is restricting the amount of provenance-related information being made available for academic research.

It is this restriction of information that constrains academic freedom, not the publication policies of academic journals, and it does so in two ways. First, it obstructs the ability of academics to research either the antiquities trade or contemporary antiquities collecting. Boardman might be surprised to learn that the trade has become a legitimate area of enquiry for criminologists, sociologists and lawyers, who all find their academic freedom seriously curtailed by the heavy veil of commercial secrecy. But there is also a second, more insidious effect. Freedom might be defined as the capacity for informed choice, and academic freedom can only be said to exist when scholars are able to choose a course of research confident in their knowledge of its contexts and possible consequences. Clearly, for unprovenanced artefacts, such an informed choice is not possible. Boardman deplores the effects of non-publication on scholarship, without really knowing what material damage is caused by the trade. He has little to say about criminal involvement in the trade, and the social harm it causes, other than to suggest that it might be less



important than censorship. Again, presumably, he just doesn't know. Yet until the social and criminal relations of the antiquities trade and the material damage it causes have been properly ascertained by verifiable research, which at the moment is not possible, as much because of the intransigence of collectors and some sympathetic academics and museum curators as it is because of the obstruction of dealers, scholars can only choose to study unprovenanced artefacts in complete disregard of any possible consequences. The choice cannot be said to be a free one, in the sense of a knowledgeable one, and it certainly cannot be justified by an appeal to academic freedom.

To illustrate what he sees to be the regressive attitude of archaeologists towards unprovenanced antiquities, Boardman uses the example of the Iron Age Gundestrup cauldron, discovered in a Jutland bog in 1891, though thought to have been manufactured somewhere in eastern Europe. He argues that if a similar object was to appear on the market today then no journal would publish it and no museum would acquire it. Again though, this is not necessarily correct. There is an emerging consensus that unprovenanced objects (including those seized by law enforcement agencies) should be donated to the most appropriate museum or public collection ('repository of last resort' or 'safe haven'), where they will then be available for legitimate study and publication. This solution has been adopted by British museums with regard to artefacts of UK origin (DCMS 2005, 17). Of course, collectors or dealers might choose not to donate objects to such collections, but that regrettable behaviour can hardly be blamed on archaeologists.

Boardman has this to say about the Illicit Antiquities Research Centre (IARC):

It might seem far more appropriate for an institute in Cambridge, largely dependent upon public money, to spend its time investigating misdemeanours committed in the name of scholarship, than to conduct a witch-hunt of collectors and to bully museums in what seems an almost paranoid attack on people and objects (p. 36).

This statement is, quite simply, wrong in every respect. First, the IARC has never received a penny



Figure 2. Model stratigraphy in the Athens Metro.

of public money. Second, concerning scholarly misdemeanours, presumably he does not mean scholarly collusion with the illicit trade but is referring to the problem of unpublished excavations discussed earlier in his paper. He is right, unpublished excavations are a problem, and so are excavated sites that are inadequately cared for, but, again, his criticism misses the target. Since 2001, with exactly this problem in mind, the IARC has been working with British and Greek colleagues towards conserving the Bronze Age site of Phylakopi on the Greek Cycladic island of Melos and publishing new material and information from the nineteenth-century and early twentieth-century excavations that were conducted there. Perhaps Boardman is doing something similar? Finally — bullying museums? The IARC has close and productive relationships with the International Council of Museums (ICOM), the Museums Association (MA), and with keepers and curators in the British Museum. The IARC's report *Stealing History* into museum acquisition practices was an initiative of the Museums Association (MA) and ICOM-UK, not of the IARC, and it was researched and written with their full support and participation. It is hard to see how any of this might constitute 'bullying'.

For Boardman, the antiquities world is not a perfect one, but ameliorating practices and institutions have evolved over the centuries so that now it is as good it can get, and he criticizes those who think it could get better. But the Panglossian logic of Boardman's paper is shot through with inaccuracies and infelicities. One wonders what his reaction would be if called upon to peer review a paper of similar standard in his own specialist



area of Classical art. It is hard to imagine that he would recommend publication.

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## In the News

JENNY DOOLE

### USA

- A boulder inscribed with ancient Native American petroglyphs was found to have been stolen from federal land near Yuma in May. Judging from tracks left, the thieves had dragged the 500 pound boulder to a vehicle (see ‘Boulder covered with petroglyphs stolen near Yuma’, J. Gilbert, 2 May 2007, Yuma Sun; and ‘Petroglyph boulder stolen’, 1 May 2007, US Department of the Interior, Bureau of Land Management).
- Two thieves stole a collection of Native American arrowheads from a display in the McQuarrie Memorial Museum, Utah, during a midday raid in May (see ‘Arrowheads stolen from S. Utah museum’, B. Winslow, 24 May 2007, *Deseret Morning News*). They signed into the museum with assumed names, grabbed the framed displays, hid them under a cloth and walked out through a basement door in front of unaware museum staff.

### Israel

Attorneys for the defence in the trial of Israeli collector Oded Golan have presented the court

with photographs dating from 1976 showing the controversial ‘James ossuary’ (see ‘In the News’, *CWC*, Issue 12, 2003, 14; ‘In the News’, *CWC*, Issue 13, 2003, 13; and ‘In the News’, *CWC*, Issue 16, 2005) on a shelf in Golan’s home in 1976. In an enlargement, the whole of the contentious inscription can be seen. If accepted this evidence would place the antiquity in Golan’s possession before the 1978 Antiquities Law brought archaeological material into state ownership and would scupper prosecution allegations that Golan forged the inscription after the beginning of 2000 (see ‘Collector accused of forging ‘James ossuary’ say old photos prove authenticity’, A. Barkat, 9 February 2007, *Haaretz*)

### Greece

- June saw the return to Greece of a 1.3 metre marble torso of a young man which had been stolen from Gortyn, Crete 16 years ago. The statue was discovered in the possession of a dealer in Basel, Switzerland following a tip-off to Interpol. The Swiss-based antiquities dealer was persuaded to voluntarily drop all claims to the piece (see ‘Swiss hand back stolen statue from Crete’, 14 June 2007, Swissinfo; and ‘Greece recovers stolen ancient statue from Switzerland’, 14 June 2007, *International Herald Tribune*).
- 1338 undeclared antiquities, including



statues and vases and 12 coins, were discovered at a house in Corinth (see 'Ancient clay artefacts...', V. Psomasana, 3 July 2007, *Kathimerini*).

- Greece is planning fresh measure to curb illicit trade in antiquities and faking. Legislation to be introduced in July will ensure closer collaboration between archaeologists and law enforcement, and create a special division within the Culture Ministry charged with tracing stolen items abroad, allowing phone taps for suspects and prison terms for fakers (see 'Greece plans crack-down on antiques trafficking', 9 July 2007, *Khaleej Times*).

## Albania

In May, Albania put in an official request for the return from Greece of two headless statues of Artemis and Apollo stolen from the archaeological sites of Phoenice and Butrint, which were confiscated from a Greek and an Albanian arrested in Greece in 1997. The two, who tried to sell the objects in Athens, have since served a prison sentence for their offence (see 'Albania wants its stolen antiquities back', 24 May 2007, IOL).

## Spain

*February 2007:* In the largest operation of its kind in Spain, 200 police officers arrested 52 people, accused of looting 300,000 artefacts, including coins, sculptures and mosaics, from 31 Roman and Islamic sites in Andalusia, mainly in the province of Seville. The objects were confiscated from 68 flats and are said to have been taken at night with the aid of metal detectors, excavation reports and manuals and, in some cases, the help of site guards. The pieces were to be sold to foreign collectors. Small items were sent through the post, large objects were sent to Faro, Portugal and shipped to Belgium with an Italian collector

acting as intermediary. The smuggling ring was discovered during an investigation into underwater looters working in the Bay of Cadiz (see 'Raids net 300,000 artefacts', D. Fuchs, 8 February 2007, *The Observer*).

## South America

- More than 400 Incan and pre-Columbian artefacts were handed back to the Peruvian government by the US authorities in June. Worth millions of dollars they included a cape made from macaw and parrot feathers, gold and silver jewellery, a clay vessel believed to be more than 3000 years old, and — of immense historical importance — two *quipus*. Ugo Bagnato, an Italian arrested two years ago, pled guilty to the sale and receipt of stolen goods and is now due to be deported after having served 17 months in federal prison. He had been selling the items, some for as much as \$2000, from the back of his van and initially claimed to have inherited them long ago from a Venezuelan acquaintance (see 'US hands back artefacts to Peru', W. Grant, 14 June 2007, BBC News; 'US returns stolen pre-Columbian artefacts to Peru', 13 June 2007, Reuters; and 'US returns more than 400 pre-Columbian relics to Peru', P Whoriskey, 14 June 2007, *Washington Post*).
- With the help of UNESCO and ICOM (International Council of Museums), Peru's Institute of Culture (INC) is creating an inventory of national heritage objects, which it hopes will become a reference for authorities attempting to identify stolen antiquities. Peru will thus be the first country in Latin America to create a cultural heritage inventory. Elsewhere in the world, Afghanistan and Iraq have already done so ('Peru's cultural institute mulls inventory to protect national heritage', 17 January 2007, *Living Peru*).



## Italy

- After receiving information about the discovery of an ancient Greek temple during construction work in the southern Italian town of Crotona in Calabria, police investigations recovered more than 50 artefacts, including columns and mosaics, which had been excavated from the site. Some had been dumped and some were being used as decorative features in a new hotel. Two individuals were identified for possible prosecution on grounds of failing to alert authorities to the find and damaging the site, and illegal possession of archaeological artefacts, but were not arrested. Workers had been preparing to cement the site over when police swooped. Archaeologists are now working on excavations in order to understand the site better (see 'Italian construction crew investigated after ancient artefacts looted', 15 June 2007, Associated Press).
- Italian 'tombarolo', Pietro Casasanta, told the Associated Press ('Modern-day 'tomb raiders' feel the heat', A. David, 6 July 2007) that times have changed. He said:
  - that in the past he used to work the countryside outside Rome, openly during the day with mechanical diggers, posing as a construction worker;
  - that there used to be massive amounts of money going round, and very lax surveillance;
  - that now, increased monitoring of archaeological sites by authorities, international investigations and increasingly strict ethical guidelines for museums and pressure on dealers, have changed the market;
  - that now there are no young recruits and it is more difficult for tombaroli to sell items.
- *January 2007*: Police in Rome discovered a cache of 12 ancient marble relief panels depicting gladiators, probably stolen

from a Roman tomb. Prosecutors said the discovery was the result of a three-year investigation into a group of tomb robbers, and that they believed the tomb may have been located in the nearby settlement of Lucus Feroniae (see 'Roman reliefs rescued from tomb raiders', A. David, 24 January 2007, Associated Press).

- In March, Italian police recovered around 300 ancient artefacts, including vases, jars and cups, and thousands of fragments, believed to have been illegally excavated in central Italy. Six people were under investigation in connection with the find (see 'Italy recovers hundreds of artefacts', 22 March 2007, *Boston Globe*).
- Police in Sicily made 35 arrests and placed 77 people under investigation in a swoop on smugglers, tomb raiders and collectors in January 2007. One of those arrested was Sicilian tomb raider Orazio Pellegrino who was allegedly in contact with dealers and collectors in other countries. During the international operation, stolen ancient coins and amphorae were found in an antiques shop in Barcelona, Spain and in the home of a private collector in Zurich, Switzerland. Many of the stolen goods had been bought by the Gorny and Mosch auction house in Munich, and the Lennox Gallery in London (see 'Italian police arrest tomb raiders, artefact collectors', 31 January 2007, Deutsche Presse-Agentur)



## Former Yugoslav Republic of Macedonia

Experts warn that since the Former Yugoslav Republic of Macedonia gained independence 16 years ago, its rich archaeological heritage has become increasingly vulnerable to looters using sophisticated equipment. Few sites are said to remain undamaged by treasure hunters, both local and foreign, and there is little to stop them as the government can only afford



to employ one official to tackle the problem. Irena Kolistrkoska, head of the archaeological association of Macedonia, say that Iron Age, Greek, Thracian, Roman and Byzantine sites are under threat, and that Macedonian bronzes are very much in demand on the art market, with even the smallest selling for at least \$1350. Pasko Kuzman, director of the National Directorate for Protection of Cultural Heritage, estimated that during illegal excavations at the site of Isar-Marvinci, 2500 artefacts were stolen. Fifteen local men have been arrested for illegal excavation and trade in artefacts (see 'Rogue diggers helping themselves to Macedonia's ancient treasure', 19 April 2007, Associated Press).



## India

- India is stepping up its efforts to protect the country's cultural heritage and proactively secure the return of artefacts illegally removed and smuggled abroad. Deputy Consul General A.R. Ghanashyam said that India has forged a closer relationship with US immigrations and customs, that strategies are being discussed to protect vulnerable items in remote villages (some of which have never been documented), that customs officials are starting to use new technology to monitor export shipments, and that increased penalties for smuggling are being considered as an amendment to the 1972 Antiquities and Art Treasures Act. He said that villagers who previously would never have plundered their heritage now see the monetary value on the global market.

ICE special agent James McAndrew added that India is one of a group of countries, including Thailand and Peru, who have noticed the success of Italy, Greece and Egypt in recovering stolen cultural heritage and are adopting a more proactive approach (see 'India, others, step up antiquities scrutiny', B. Hope, 20 April 2007, *New York Sun*).

- According to *Earth Times* ('32 heritage idols and artefacts go missing', 6 May 2007), data from the Ministry of Culture in India indicate that 32 protected works of art have been stolen since 2004, probably to be smuggled abroad and probably, it is believed, with official connivance. They include a Shivling from Bumzuva Cave, Anantnag district of Jammu and Kashmir; a Jain image of Alathur from Tamil Nadu; and an Anant Shesh idol from the Laxman temple in Chhattisgarh. In Madhya Pradesh, 14 objects including 11 sandstone sculptures and one stone sculpture were stolen; from Rajasthan 10 artefacts, including seven sculptures. Of the 38 missing objects, authorities have recovered six.

17 of 18 idols stolen from the Patna museum (see 'In the News', CWC, Issue 19, 2006) but not included in the above list have been recovered.



## Nigeria

Two German archaeologists told reporters of the 'deplorable state' that Nok culture sites have been reduced to by looting (see 'Artefact thieves ravage Nok culture', 15 April 2007, *The Tide*). They said:

- custodians at the museum in Nok village had sold artefacts to feed their families;
- the museum was not up to standard, being a table with bits of artefacts;
- looters trenches, sometimes the size of football pitches, have made the sites look like battlefields.

Director General of the National Commission for Museums and Monuments, Dr Joseph Eboime, argued that the government was adopting a community-based, bottom-up approach to encourage local communities to preserve their heritage, as well as developing laws and increasing official contacts. He said there was already a 'silent effort' being made to recover material from museums abroad which would have implications for security at home.





## Iran

- Iran lost a High Court battle in London to recover a collection of items they claimed had been looted from Jiroft which were for sale at the Bakarat Gallery (also see 'In the News', *CWC*, Issue 15, Autumn 2004; and 'In the News', *CWC*, Issue 19, 2006). The judge ruled that under Iranian law, Iran could not show it had obtained valid title to the objects (see Iran loses fight for ancient relics, 30 March 2007, *The Independent*).



## Central America

- *April*: US Immigration and Customs Enforcement (ICE) returned to Mexico a carved figure from the state of Sinaloa which had been seized from a businessman entering the US at San Luis, Arizona in December 2006. Experts were unable to establish the exact age or origin of the figure because of the loss of context and provenance (see 'ICE returns plundered pre-Colombian stone carving to Mexico', 24 April 2007, ICE News Release).
- Archaeologist Lisa Lucero of New Mexico State University has described her team's efforts to understand the architectural development of the Maya ceremonial centre at Yalbac in Belize through analysis of exposed structures in the massive looters' trenches — some more than 30 yards long — that cut through the site. Nine trenches have been dug by thieves through the temple-pyramid itself, two since the project started in 2001 (see 'Archaeologists let looters do some of the work', 11 February 2007, *USA Today*).
- In a report for NPR radio (see 'Tomb raiders threaten Mayan city's history', J. Burnett, 5 July 2007, npr.org), archaeologist Dr David Freidel describes his efforts, alongside Guatemalan colleague Hector Escobedo, to protect the site of El Peru-Waka in the Peten

from looters. Word of rich tombs at the site encourages looters, driven by poverty.

The link between drug trafficking and antiquities smuggling was laid bare when in June 2006 police raided a house in the area and discovered a large amount of marijuana alongside 135 pieces of Mayan pottery.

The report highlights the case of a carved stela from El Peru-Waka, now on display in the Kimbell Art Museum, Fort Worth, Texas, and thought to have been sawn off and stolen by a Mexican logger and transported from the area on mule. Kimbell director, Timothy Potts (now Director of the Fitzwilliam Museum, University of Cambridge) acknowledged that the exceptionally rich piece was 'likely looted from its original site in the 1960s, taken out of Guatemala and sold.' The Kimbell have agreed to pay for a replica to be erected on the site.



## Pakistan

- Seven cases reporting 401 missing museum items have been registered by authorities in Pakistan since 1996 (see 'Pakistani museums plagued by theft', H. Farooq, 27 April 2007, *Daily Times Pakistan*). Further objects reported stolen include:
    - 71 Gandharan pieces stolen from the Taxila Archaeological Museum in 1965, of which only 11 items have been recovered;
    - 40 gold and bronze coins, and 12 bronze statues stolen from the National Museum of Pakistan in Karachi in 1986, and never found;
    - 38 Indus seals and two tablets, stolen from the Archaeological Museum in Mohenjodaro in 2002.
- Around 1400 pieces of Gandharan, Indus, pre-Indus and Islamic art were seized at Karachi port in 2005 with a further 6 artefacts discovered by customs at Lahore in 2006, 619 artefacts at Karachi airport in 2006, and 17 found in France.



- In June 2007, Italy returned to Pakistan 96 ancient artefacts, including decorated bowls, vases, miniatures of zebus, coins, plates and musical instruments, dating from 3300 to 1800 BC. They were seized while on sale at a trade fair in Milan and had been smuggled as modern Thai art from southwestern Pakistan and southeastern Iran (see 'Italy returns ancient smuggled items to Pakistan', 25 June 2007, *Canoe news*).
- In January, the US returned to the Pakistani government a group of artefacts seized by US Customs agents when they passed through Newark, New Jersey in a crate labelled 'decorative items' in September 2005. An investigation revealed that there were misrepresentations in the shipping documentation which wrongly listed Dubai as country of origin, but US authorities will not release the name of the recipient (based at a private address in Flanders, Morris County) who abandoned the shipments. London-based dealer John Eskenazi said that one of the pieces, a statue of the 'Starving Buddha' was a bad fake, but Pakistani experts determined the piece to be genuine and expressed their hopes that information from the seizure may lead to further recoveries of stolen artefacts in the future (see 'Starving Buddha sculpture returned to Pakistan', M. Lufkin, 22 March 2007, *The Art Newspaper*; and 'Seeking the truth on a Buddha's trail', B. Donohue, 4 February 2007, *The Star-Ledger*).
- Two Iraqis and a Syrian were arrested in May trying to smuggle Iraqi antiquities worth Dh2 million into the United Arab Emirates through Khor Fakkan port (see 'Smugglers of Iraqi antiquities arrested', 28 May 2007, *Gulf News*).
- The Kufa Museum, close to the southern city of Karbala, is trying to recover hundreds of objects, including inscribed incantation bowls, pottery and coins, which were stolen following the 2003 Coalition invasion. The museum also suffered some looting during the 1991 Gulf War. It is lobbying the Iraqi authorities to ask the British government and police to seize artefacts belonging to the museum (see 'Ransacked provincial museum seeks lost treasures', S. al-Jaberi, 25 February 2007, *Azzaman*).



## Sudan

12 people were arrested by Sudanese authorities for smuggling two entire mummies ('Sudan arrests 12 mummy smugglers', 16 June 2007, *Sudan Tribune*).



## United Kingdom

- In May, HM Revenue and Customs officers returned to Turkey an important piece — a Roman ring made of iron and silver, containing a gemstone engraving of Lucius Verus, co-emperor with Marcus Aurelius, thought to have been taken from an archaeological dig at Ephesus. It was seized after it was taken to Derby museum for a valuation. No one has been prosecuted for stealing the ring (see 'Roman ring handed back to Turkey', 22 May 2007, BBC News).
- English Heritage and the British Museum have commissioned Oxford Archaeology to produce a £100,000 report on the problem of illegal metal detecting, or 'nighthawking', in Britain (see 'Night metal detectors

## Iraq

- According to an article published in the Lebanese newspaper *As Safir* (April 2007) Interpol in Beirut seized an object looted from the Iraq National Museum in Baghdad in 2003 from a house in the city. The ancient carved head was noticed on a TV programme as part of the interior design of the house.



‘looting Britain’, J. Copping, 7 July 2007, *Sunday Telegraph*).

- Nighthawkers dug 31 holes in one night into a Roman villa site under excavation by archaeologists (from Lindum Heritage and Bishop Grossetest University College Lincoln) just north of Lincoln. The archaeologists said the thieves were likely to have found little of monetary value, but have destroyed the integrity of the site. All metal has now been removed from the site (see ‘Thieves damage Roman villa site’, 10 July 2007, BBC News).



## Bosnia

Archaeologist Snjezana Vasilj is celebrating winning a research grant to scientifically explore two Illyrian ships discovered under eight metres of water in a small lake in the marshland nature reserve of Hutovo Blato. The marshlands were the site of intense Greek and Roman occupation, but since the 1992–95 Bosnian war have seen more activity by thieves than by archaeologists, so the grant is cause for celebration (see ‘Bosnian archaeologists ‘dig in’ to struggle with looters’, 20 May 2007, *Middle East Times*).



## Bulgaria

- Following an urgent request from Bulgarian prosecutors to UK authorities, the sale of a rare twelfth-century silver dish at Christie’s London, was temporarily halted. Naiden Blagnev gave Bulgarian authorities a detailed description of his illegal excavation of the piece, along with another 12 silver dishes, near the town of Pazardjik in December 2000. He was miffed when, having seen the dish on the front page of a Bulgarian newspaper with an estimated price of \$600,000–\$1 million, he realized it was being sold for more than 60 times as much as he was paid for the whole treasure. Bulgaria claims that another nine dishes were part of the same set

and bought jointly by two Athens museums — the Byzantine and Christian Museum and the Benaki. The Christie’s sale went ahead, but the dish failed to find a buyer, possibly because of the controversy. London dealer Sam Fogg claimed he had consigned the item on behalf of another (unnamed) dealer and that there was evidence that it had been in circulation before 2000, although he declined to provide proof (see ‘Bulgarian relics spark an international scuffle’, 22 May 2007, *International Herald Tribune*).

- A Bulgarian parliamentary committee is working drafting a new cultural heritage law to protect the country’s exceptionally rich heritage. Over the past 15 years around 10 draft bills have been sent to Parliament, none of which were approved. There are conflicts of opinion between specialists about whether to model legislation on the more or the less liberal laws that exist in different European countries (see ‘Preserving our patrimony’, E. Grancharova, 15 January 2007, *The Sofia Echo*).



## Turkey

May 2007: Istanbul Anti-Fiscal Crimes teams carried out raids on antiques shops in the city and confiscated 366 illegally held Roman and Byzantine coins and artefacts. One shop-owner claimed to have purchased pieces from a Bulgarian woman, and said that he had been planning to hand them over to a museum (see ‘Police raids turn up ancient coins, jewelery’, 24 May 2007, *Today’s Zaman*).



## Cambodia

Timothy McDonald, a reporter for ABC network (see ‘PM - Angkor Wat relic for sale on eBay’, 17 May 2007, ABC online) challenged eBay on the auction of a piece of relief, advertised as from Angkor Wat. eBay spokesman Daniel Feiler said that the occasional illegal



item may slip through eBay monitoring procedures and that if the item was fake then the seller, based in Thailand, was likely to be caught.

## Museum ethics

- Indiana Museum of Art Director Maxwell L. Anderson announced in May that the museum will no longer accept or buy artefacts which left their country of origin after 1970 unless there is proof that they were exported legally. In *The Art Newspaper* he stated 'It is our hope that the IMA's moratorium will encourage other major collecting institutions around the world to take a similar step, along with collectors and dealers. A universal moratorium would seriously impact on the clandestine trade in antiquities' (see 'Art museum limits its antiquities acquisitions', W. Smith, May 2007, *The Indianapolis Star*).
- In February 2007, following threats of an exhibition boycott by the Greek government, the Louvre withdrew a request to borrow a statue of Apollo the Lizard Slayer from Cleveland Museum. The provenance of the statue, said to be by Praxiteles, has been a source of controversy since its acquisition from Phoenix Ancient Art (see 'Editorial', *CWC*, Issue 15, 2004). Hicham Aboutaam of Phoenix Art said the Louvre's decision was unfortunate and claimed the Apollo has been proven to have been in circulation for over a century (see 'Do you know where that art has been?', R. Stodghill, 18 March, *New York Times*).

## North Korea

On the night of 11 May 2007, golden Buddha statues and ancient pottery were stolen from the Haeju Museum, North Hwanghae. Border authorities were quickly alerted and were monitoring known smuggling routes to intercept the pieces.

Museum objects in North Korea have been vulnerable to theft and smuggling abroad in recent years, and some of those found to be involved have been executed.

In 2006 a group of 22 people were caught stealing 500 kg tombstones from royal tombs, for secret transport to China where they raise high prices. The tombstones were retrieved with the help of Chinese authorities, the Chinese dealers fined heavily. The North Korean ringleader, a national security agent, committed suicide (see 'Golden Buddha stolen from Haeju Museum, North Korea', K. J. Hyun, 16 May 2007, *The Daily NK*).

## Yemen

According to a report on Independent On-line ('Smugglers target ancient treasures of Yemen', 26 March 2007):

- Yemen's official Saba news agency said that in 2006 authorities prevented 1026 ancient artefacts being smuggled from the country via Sanaa airport and two border crossings.
- Illicit trade peaks at times of internal upheaval, such as the 1994 civil war, and the current on-off fighting between government forces and rebels in the northwestern province of Saada.
- Culture minister Khaled al-Ruweishan said:
  - some foreign embassies and cultural councils are involved in smuggling, as well as corrupt local officials;
  - the ministry had spent more than 100 million rials (half the ministry's budget) buying back thousands of antiquities and manuscripts to prevent them being smuggled abroad;
  - that because efforts to protect antiquities he believes 90% of the material offered on the black market may be fake.
- Hisham Ali al-Thawr, head of the antiquities protection department at the General Antiquities Authority said:
  - that illegal excavation and smuggling is most prevalent and is a particular



problem in tribal regions, such as Al-Jawf, Marib and Shabwa where ancient sites are unprotected and the people ill-informed about the value of their heritage;

- that pre-Islamic remains of the Maean civilization in Al-Jawf have now been totally destroyed in the search for saleable artefacts;
- that many smuggled antiquities have been recovered through official channels from countries such as Britain, Jordan, Oman and Saudi Arabia;
- that a special unit set up in late 2003 to combat smuggling monitors every exit port and works closely with security forces to protect sites;
- that around 3–4 pieces are seized at Sanaa airport every week;
- that the special unit have helped in the prosecution of smugglers.
- Director of Sanaa's national museum, Abdul Aziz al-Jandari, blamed the upsurge in looting on poverty and ignorance.



## Afghanistan

- According to *News International* ('Afghanistan's ancient treasures a worrying modern-day trade', 20 March 2007):
  - many Pakistanis are buying illicit Bactrian antiquities that are openly on sale in northern Afghanistan;
  - archaeologist Philippe Marquis says that around 70 per cent of the site of Tepe Zargaran was plundered in the 1990s;
  - two policemen in the ministry of culture were killed last summer by looters;
  - problems include high-level corruption, and rampant building development.
- More than 1000 items gathered for safe-keeping at a private museum in Bubendorf, Switzerland for the last decade (see 'Editorial', *CWC*, Issue 8, 2001) were returned to Afghanistan in March (see 'Afghan art, artefacts returning to country', 16 March 2007, *Post Chronicle*).

- In February, ICOM (International Council of Museums), with the support of the US Department of State Bureau of Educational and Cultural Affairs, launched a Red List of antiquities at risk in Afghanistan. The initiative follows their Red Lists Africa, Latin America and Iraq and is available from their WWW site at: <http://icom.museum/redlist/afghanistan/en/index.html> (also see 'Treasure troves and lack of supervision turn Afghanistan into looter's paradise', 2 February 2007, *International Herald Tribune*).



## Algeria

El Moudjahid ('Smuggling headache for Algerian authorities', 11 February 2007, The Media Line) reports that:

- 250 ancient artefacts were confiscated from tourists visiting the Sahara region in January, according to Reuters. The objects were seized at Tamarasset Airport.
- Three people were arrested in January with a reported 98 items, stolen from the Djebine Museum in Tassili National Park.



## China

Police in X'ian, Shaanxi Province arrested two local farmers who lived among the ruins of Chang'an City (Western Han Dynasty 206 BC–AD 24) after receiving reports of thefts from the site. Huang Wei, director of the administration's relics protection department said that more than 100 holes were found which were



then backfilled by bulldozer. The farmers were accused of stealing tile-ends, which are rare, protected by the State and can be sold for up to 500 yuan (\$62) — the equivalent of a month's wages (see 'Ruin raiders target ancient relics in Shaanxi', 28 February 2007, *People's Daily*).

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### Book review:

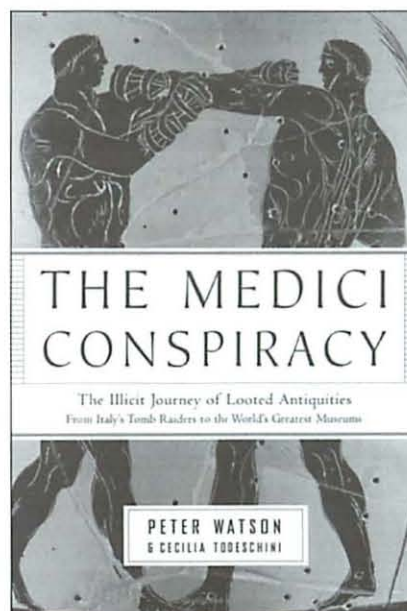
***The Medici Conspiracy. The Illicit Journey of Looted Antiquities from Italy's Tomb Raiders to the World's Greatest Museums* by Peter Watson & Cecilia Todeschini**

(2006, New York, Public Affairs,  
ISBN-10: 1-58648-402-8)

VINNIE NØRSKOV

A large clay pot once used for mixing wine and water in ancient Athens at drinking parties and later reused as funeral equipment for a wealthy Etruscan has become the symbol of the rise and fall of the modern trade in antiquities. Bought by the Metropolitan Museum of Art in 1972 for the neat price of \$1 million, it initiated the boom in the antiquities trade of the 1970s and 1980s that culminated in the auction sale of the Hunt Collection in 1993. In 2006 the Metropolitan Museum announced the return of the vase to Italy. But actually, we do not know where the vase comes from. Some archaeologists still believe the vase to be a modern forgery, produced for a demanding market willing to pay

enormous amounts of money for aesthetically pleasing objects without any documentation or security about their authenticity. Its modern history has become just as interesting and important as its ancient one. In fact, we will never be able to reconstruct what really happened to the vase, in ancient or in modern times. As Watson's book shows, there are several versions of the modern story and no hard evidence at all — only the





memories of those involved and these memories are quite different.

The *Medici Conspiracy* is the exciting documentation of the many years' investigations by the Italian Carabinieri that led to the fall of some of the major players in the late-twentieth-century illicit antiquities trade. It raises questions about the credibility of the antiquities trade itself. That being said, from a museum perspective, it also raises questions about the role of the press and the media more generally in combating the illicit antiquities trade. In Denmark, the book has made an important contribution to recent research conducted by two Danish newspapers, and I shall come back to this issue at the end of this review.

The book begins with the acquisition of the Euphronios krater in New York, and throughout the book this story is revisited and rewritten in light of new evidence. This new evidence is the result of a series of events, many of them accidental, that occurred during the 1990s. The first was the robbery of the Melfi vases in January 1994, recovered later the same year from the Munich villa of the Italian dealer Antonio Savoca. Continuing the investigation, the Carabinieri found a so-called organigram drawn by Pasquale Camera, a suspect who was accidentally killed in a car crash the same year. This organigram has been key to understanding the workings of the Italian antiquities trade. On top of the organigram as contact to museums and dealers is one name, Robert (Bob) Hecht, underlined, and below his name a network of other names of people involved in the trade, but clearly defining Hecht's two main sources, Gianfranco Becchina and Giacomo Medici.

The second event was the surfacing of a sarcophagus in one of Sotheby's auction catalogues in 1995, stolen from the church of San Saba on the Aventine and recognized from the Carabinieri Art Squad's list of stolen artworks. Sotheby's was forced to identify the consigner, the Swiss company Editions Services, whose administrator revealed that the company's owner was Giacomo Medici. Medici's warehouse in the Geneva Freeport was raided by the Swiss police in September 1995. The three rooms contained a large number of antiquities and documents. The analysis of this material has revealed the inner workings of the international antiquities trade over the preceding 25 years.

The third event was the discovery of the diary of Robert Hecht. During the Carabinieri

investigations some of the suspects mentioned a *memoria* by Robert Hecht, one of them explaining that Hecht seems to have written down his personal history of antiquities dealing. During a raid by the French police in February 2001 on the apartment of Hecht's ex-wife in Paris, the diary was found (chapters 11 & 12). The content of the diary is being used as evidence in the ongoing trial of Hecht and the former curator of antiquities of the J. Paul Getty Museum in Malibu, Marion True. And it confirms the close relations between Hecht and Medici.

### **The evidence from the warehouse**

Two important sets of evidence were discovered in Medici's warehouse: documentation of sales to galleries and museums in the form of invoices and letters, and thousands of photographs of artefacts. Importantly, some individual objects are illustrated by a series of photographs, showing: 1) the object covered with earth; 2) the object cleaned and restored with visible restorations; and lastly 3) the final restoration of the object. Thus the same object is documented from excavation to sale, and some are even photographed in their new home, the acquiring museum. Analysis of the photographs has revealed the acquisition history of a number of objects in European and American museums and caused some of the recent returns by American collections, for instance by the Boston Museum of Fine Arts.<sup>1</sup> The associated documentation does not reveal whether the buyers saw all of the photographs, but as they are important evidence of authenticity, I would guess they did. However, if this evidence is turned around, such a series of photographs could also be used to authenticate a fake, an aspect Watson does not consider.

The combined analysis of the documentation found in the warehouse and the objects still there, together with some (sic) cooperation of Sotheby's, revealed how Medici would send batches of material to Sotheby's, though sometimes objects did not sell because of high reserve prices (chapter 10). After objects had been offered two, three or four times without selling, Medici bought some of them himself. This is not allowed according to Sotheby's rules, but using intermediaries it was no problem at all for Medici. Considering the close cooperation between Medici and a number of other antiquities dealers, it is not surprising that this practice was



used. Watson considers some reasons for it and offers several very interesting suggestions: the fact that the object has been sold at auction gives it a good pedigree, and buying back objects that would not otherwise sell because they are over-priced sets a market precedent for future sales. But what is also of importance is that many of these pieces are what the antiquities market would categorize as ‘unimportant’ objects: common, minor, not very expensive objects. Medici would never send expensive material to Sotheby’s, but it is difficult not to see his use of auction sales as a means to manipulate the price structure of the market more generally. And this was not the only time Medici used intermediaries. It was more the rule than the exception, and the use of triangulations involving intermediaries to hide the identity of a seller seems to have been a common occurrence in the antiquities trade during the last 30 years. Watson is able to demonstrate how intermediaries were used when selling to museums in order to make the provenance more digestible.

### **The Euphronios krater again — the new evidence?**

The diary of Hecht contains two versions of the Euphronios krater story. The so-called ‘true’ version connects the krater to Medici, who sold it to Hecht for 1.5 million Swiss francs in December 1971. Felicity Nicholson at Sotheby’s then estimated the vase to be worth only \$200,000 dollars, so Hecht began a search for a museum buyer, starting in Copenhagen, where the museum curator in charge, Mogens Gjødesen (identified in Hecht’s diary as M Gyp; p. 170) tried to raise the money but failed. Hecht then turned to Dietrich von Bothmer, first going to New York with photographs, and subsequently showing the vase to three representatives of the Metropolitan in Zürich in June 1972, where it was being restored (not in July 1971 as stated on page 176). In the middle of August, the Metropolitan’s director Thomas Hoving offered Hecht \$1 million for the vase, a price he accepted. Shortly afterwards Hecht brought the vase to New York, presenting Hoving with an invoice stating that the krater came from Dikran Sarrafian, a Lebanese dealer. The diary’s second version of the Euphronios acquisition is interpreted as Hecht’s ‘official’ version of the story, giving a more prominent role to the background story of Dikran Sarrafian.

If we believe the ‘true’ version, the krater surfaced with Giacomo Medici. During a raid on Giacomo Medici’s house at Santa Marinella, north of Rome, in 2002, the Italian police found another set of photographs, this time appearing to contain several photos of the Euphronios krater. In fact, the photographs turned out to show three different kraters, two of which were modern forgeries. One was actually seen in the villa, only half the size of the krater in New York (p. 200–202). Thus copies were made — but were these copies of an ancient original or of a modern forgery?

Watson mentions that five previously unknown vases by Euphronios appeared between 1970 and 1990 — three kraters (one in Munich, the one in the Metropolitan, and one in the possession of Shelby White who bought it at the Hunt sale in 1990) and two cups (one bought by the Getty Museum in 1983 and returned to Italy in 1999,<sup>2</sup> the second decorated with the same subject as the Metropolitan krater, the death of Sarpedon, also offered at the Hunt sale. It was bought by Giacomo Medici and found in his warehouse during the raid and accidentally broken by the police) (p. 130).<sup>3</sup> Watson suggests that the vases may have been discovered at a sanctuary dedicated to Hercules found in Cerveteri in 1993, because many of the vases show Heracles (p. 202). This thesis is, however, not very convincing. First of all, because most studies trying to link images on Greek vases with the cult of the sanctuary in which they have been found have not produced convincing results. Secondly, though many of the vases are broken, there are enough fragments to allow a fairly complete reconstruction, particularly for the Metropolitan’s krater. Complete vases are very rarely found in sanctuaries and several complete vases by one painter have as far as I know never been found. This kind of material is found in tombs, not in sanctuaries.

### **Fragments of time**

Another aspect dealt with by Watson is the often ignored trade in ceramic fragments (chapter 15). Watson identifies the unusual acquisition habit of the Getty in acquiring many fragments, mostly in order to reassemble them into entire vases. During a ten-year period, the Getty acquired at least 1061 fragments, 119 of them donated by Dietrich von Bothmer. Anyone who has visited von Bothmer in his office in the Metropolitan has most prob-



ably seen his private collection of fragments. And the Getty is just one of the many institutions to which von Bothmer has donated fragments – often because they fitted incomplete vases already in collections. Another example of this type of acquisition, occurring by exchange between the Villa Giulia Museum in Rome and the Metropolitan, is described by Daniela Rizzo (p. 222).<sup>4</sup> The trade in fragments is one of the important features of the ‘invisible’ market — as Watson rightly points out, they do not appear for sale at auctions or in the galleries. They are very often used as ‘extra’ goods in transactions — as gifts from dealers.

Watson thinks that fragments are not especially important in a scholarly or academic way, but even if he is right in pointing out that most scholarly books favour illustrations of entire vases over those of fragments, the latter are important when vase painting is considered aesthetically. It has often been emphasized that for connoisseurs of vase painting the fragment helps to focus concentration on the drawing, free from the distractions of shape.<sup>5</sup> However, in stressing the commercial value of fragments, Watson is making a very important point. The value of attribution is quite obvious: buying an unattributed fragment for c. \$400, attributing it to the Berlin Painter, and then donating it to a museum might provide a tax reduction of \$2500. Historically, attribution has been closely linked to the market for vases. The first scholars to promote this line of research were those who made a living out of dealing, like for instance Paul Hartwig (1859–1919) who published the first volume on Attic red-figure cups in 1893, based primarily on his own collection.<sup>6</sup> What is much more alarming about the trade in fragments, however, is the evidence of fresh breaks. Clearly, vases are sometimes broken because it is easier to transport a bunch of pottery sherds in an old plastic bag from an Italian supermarket than a fine, whole vase which must be carefully packed in order not to damage it. And it seems that at times the fragments are offered in small groups intermittently over a period of time in order to increase prices. Watson, however, suggests other reasons: it is cheaper for a museum to purchase a vase as fragments than to purchase it whole (p. 229); and more seriously, museums can ‘test the water’ by acquiring fragments over a prolonged period of time, as the country of origin will not be so aware of accumulating fragments as to claim

them back, and by the time the vase is complete it might then be considered too late to register a claim. In any event, the trade in fragments is one of the ways the trade shows its real face: dealers are not interested in saving the past, they are only interested in earning money.

### The Danish connection

Since the publication of the book, the Danish media have shown an increased interest in the subject. Denmark has been one of the really slow countries when it comes to ratifying the international conventions, both the 1970 UNESCO Convention and the 1995 UNIDROIT Convention. The 1970 Convention was ratified by Denmark in 2003, but the Danish case shows how ratification can be worthless if it is not implemented by law. In summer 2006 two journalists together with a Swedish colleague visited the Danish auction houses. They showed pictures of antiquities from Afghanistan and China and asked whether the auction houses would be willing to sell them, as in Sweden this would not be possible because they had been smuggled. All the auction houses answered that they had no problems with handling a sale, and because Denmark did not introduce any import restrictions when ratifying the 1970 Convention, it would not be illegal.<sup>7</sup> The auction house story was followed up by articles on Danish museums acquiring objects without legitimate provenance. One was the Ny Carlsberg Glyptotek that had bought a number of objects through Robert Hecht and is mentioned several times in his memoir as *the Copenhagen Museum*. The other was the David Collection, a private museum for Islamic Art. The main case has been an Etruscan chariot bought by the Glyptotek in 1970. This is mentioned by Watson as a set of Etruscan silver chariot fixtures Hecht bought from Medici at \$63,000 and sold to Mogens Gjødesen (identified by Watson as Giddesen) for \$240,000 (p. 168). In the new exhibition of the Etruscan collection that opened in summer 2006 the chariot is displayed as a new restoration made in close cooperation with Italian archaeologists from the University of Rome, who in 1972 had excavated the tomb in the Sabine village of Eretum where the chariot had been found. Thus the origin of the finds in the Ny Carlsberg Glyptotek had been known for years and the find complex has been published, joining the objects in Copenhagen with



the objects today exhibited in the archaeological museum in Sabina.<sup>8</sup> The Italian investigator in the Medici case contacted the Danish Ministry of Justice (not the museum!) in 2003 for information about the acquisition of the chariot. Unfortunately, the request was mistranslated by the Ministry which read it as a request for return, and because of the expired limitation period dismissed it. In December 2006 the Ministry made an official apology to the Italians.<sup>9</sup>

In the end, the interest of the media in the subject has had two consequences in Denmark: first, the Ministry of Culture has announced that Denmark will ratify the 1995 UNIDROIT Convention in order to stem the illicit trade in antiquities in Denmark; second, the Ny Carlsberg Glyptotek has given up talking to the media because it felt that the journalists had not given the museum a fair hearing. The case illustrates the schismatic role that the media may play in combating the illicit trade. On the one hand, their interest is important in order to raise political awareness. On the other, they tend to present a simple story of good guys and bad guys, and the museums very often turn out to be the bad guys.

## Notes

1. The Boston Museum of Fine Arts have published a list of the 13 objects the museum returned to Italy in 2006 on their home page, see <http://www.mfa.org/collections/index.asp?key=2656> (viewed 11 April 2007).
2. *Archaeology* 52, 3 May/June 1999. P. Watson, 1999, Euphronios kylix update, *Culture without Context* no. 5, 4.
3. The Metropolitan Museum tried to acquire this vase at the Hunt auction, but Dietrich von Bothmer told me during my research on the collecting of Greek vases that Medici bought it, see Nørskov 2002, p. 330.
4. See also V. Nørskov, 2002, *Greek Vases in New Contexts*, Aarhus: Aarhus University Press, 152 & 299.
5. Nørskov 2002, 299.
6. Nørskov 2002, 96–100. P. Hartwig, 1893, *Die griechischen Meisterschalen der Blütezeit des strengen rot-figurigen Stiles*, Berlin.
7. Dagbladet Information 16 June 2006, 22–5.
8. See the internet publication with the new 3-D reconstruction of the chariot: <http://www.principisabini.it>. J. Christiansen, 2006, Antikken i krise. Skal kulturarven reddes eller røves? Glyptotekets Antiksamling og fremtidens erhvervelser, *Ny Carlsberg Glyptotek i tiden*, 198–202.
9. *Politiken* 12 December 2006, 3 (culture).

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## Book review:

*Art and Archaeology of Afghanistan: its Fall and Survival (Handbook of Oriental Studies 14) edited by Juliette van Krieken-Pieters* (2006, Leiden: Brill, ISBN-10: 90-04-15182-6)

NEIL BRODIE

Here's an interesting statistic: on pages 59–60 of this book Christian Manhart of UNESCO reckons that since 2002 governments and foundations worldwide have donated something in the region of \$13 million towards the conservation and recuperation of Afghanistan's cultural heritage. The largest governmental donations have been from Japan (just over \$3 million) and Italy (about \$1.7 million). Why is the statistic so interesting? Because it makes for an interesting comparison with another statistic: in 1999 Pakistani police seized a shipment of 25,000 Afghan/Pakistani antiquities at Peshawar airport, estimated to be worth \$20 million on the open market (Levy & Scott-Clark

1999). A single shipment. \$20 million. The value of the Peshawar seizure is clearly an estimate, perhaps it would be more accurate to say it was worth something in the region of \$10–20 million, but the point is that the monetary value of a single shipment of illicit antiquities might possibly outweigh the value of all international aid so far offered to Afghanistan for heritage conservation. Clearly, some people are making a lot of money out of Afghanistan's cultural heritage, but not much is going back to Afghanistan.

These statistics offer an insight into the damage that has been caused to Afghanistan's cultural heritage by three decades of outside political interference and cultural indifference. The chapters in this book investigate the reality behind the statistics, but the picture that emerges is no more comforting. Overviews by Warwick Ball (chapter 2), Nancy Hatch Dupree (chapter 5) and Nadia Tarzi (chapter 9) describe in detail the present state of Afghanistan's cultural heritage and the problems it faces. Chapter 10 shifts focus when



David Thomas and Alison Gascoigne attempt a quantitative assessment of the damage caused to one single site by illegal digging. They present the results of a survey conducted in the vicinity of the Minaret of Jam where they discovered that robber holes account for 11 per cent of the surface of the surveyed area. Sometimes the losses have been mitigated by previous scholarship. In chapter 8 Kosaku Maeda describes and interprets the mural paintings in the area of the Bamiyan Buddhas that were recorded in the 1960s, but destroyed when the Buddhas were blown up in 2001.

There are, however, some bright spots, including restoration work at Baghe Babur and the mausoleum of Timur Shah in Kabul described by Jolyon Leslie in chapter 11. The reconstruction and reconstitution of the Kabul Museum is discussed in chapter 4 by Carla Grissman. In 1989, the Museum's exhibition material was secretly evacuated into safe storage at the Central Bank and the Presidential Palace. In later years, it came to be believed, falsely, though was widely reported, that this material had been stolen. In 1993, the Museum building was badly damaged during fighting and its contents looted. What remained of the collections in 1996 was transferred to the Kabul Hotel. In 1998, work commenced repairing the Museum, with UNESCO support, and in 2000 the building was reopened, only for the situation to deteriorate again in March 2001 when, under the orders of the Taliban Mullah Omar, many pieces remaining in the Museum were vandalized or destroyed. After the eviction of the Taliban from Kabul in 2001 work started again repairing the Museum building and assessing the damage. By 2003 the Museum was working and the material moved out in 1989 and thought lost was revealed and found to be largely intact. Plate 1a of the book shows the broken and shell-damaged façade of the Museum as it looked in 1996, and the transformation in the Museum's fortunes by 2005 is obvious from the equivalent view of the newly repaired and decorated façade presented in plate 1b.

The work of the Society for the Preservation of Afghanistan's Cultural Heritage (SPACH) since its foundation in 1993, operating in what were often hostile conditions, has clearly been central to the recovery effort, and it is appropriate that accounts of its activities are provided by members in

chapter 1 by Brendan Cassar and Ana Rodríguez García and chapter 13 by Juliette van Krieken-Pieters. SPACH's controversial decision in 1994 to purchase pieces known to have been stolen from the Kabul Museum with a view to placing such material into safe storage until conditions were favourable for its return to Kabul forms the backdrop for an important discussion about 'safe havens', which might prove to be, for non-Afghan specialists at least, the most significant feature of the book.

Juliette van Krieken-Pieters describes a safe haven as a 'place of safe deposit for endangered cultural objects' (p. 214). Kurt Siehr identifies four circumstances when safe havens might be necessary: (i) for protection of material during wartime, either within or outside the affected country; (ii) similarly for protection from natural disasters; (iii) for the storage of stolen or illegally-exported material that has been recovered outside its country of origin, until such time as it can be returned; and (iv) for the storage of stolen or illegally-exported material that has been recovered outside its country of origin, when the country of origin is unknown. Siehr emphasizes that material deposited in a safe haven outside the country of origin is on loan, it must be stored safely according to accepted international standards and be returned when conditions permit. Unfortunately, Siehr is less clear about who should decide when conditions permit, and what should happen to recovered material for which there is no definite country of origin (his circumstance (iv)).

The obvious and most appropriate international judicial authority would seem to be UNESCO, but Lyndel Prott's discussion of the UNESCO position in relation to material illegally-exported from Afghanistan highlights some of the difficulties involved. UNESCO is bound by international law, and beyond that cannot take action which contravenes its own conventions and normative standards, which means it could not support SPACH's purchase of stolen material. In 2001, however, UNESCO did decide to support the Swiss Afghanistan Museum-in-Exile, on condition that the material stored there would 'not be used for commercial purposes', and that UNESCO would decide when it was safe for material to be returned to Afghanistan. Thus, in the case of Afghanistan at least, UNESCO was willing to arbitrate the return.



Van Krieken welcomes this decision by UNESCO and its policy as outlined in a 2001 statement, but asks some critical questions. She points to an ambiguity in the wording of the statement when it asserts that 'UNESCO supports non-profit organizations working to take cultural objects into safe custody. It will not itself purchase objects that are being illicitly-trafficked'. Van Krieken questions whether this might mean that UNESCO is prepared to support non-profit organizations, such as SPACH, that are purchasing material. That being so, she feels that UNESCO should be clearer about just what exactly can be purchased, and reiterates the SPACH position that only material known to have been stolen from museums should be bought. Prott answers firmly that UNESCO does not endorse the purchase of material with dubious provenance.

Van Krieken also argues strongly that the collections of the Kabul Museum should have been moved into safe storage abroad, either before or after the outbreak of hostilities (Siehr's circumstance (i)). Prott provides some historical examples of cultural objects being taken into safe storage abroad during times of war, but again highlights the problems facing UNESCO in Afghanistan. Once the Taliban had seized power the juridical government had very little authority 'on-the-ground' within Afghanistan and so it would have been difficult to arrange safe transport. She also points out that in both Afghanistan and Iraq museum staff kept significant parts of the collections of the respective national museums safe by moving them into secret domestic storage, and suggests it to be a good precautionary measure. Some authors clearly have misgivings that the argument of safe haven might be abused by some institutions or individuals as a justification for acquiring stolen or illegally exported material. Prott refers to a Bodhisattva in the Metropoli-

tan Museum which UNESCO believes to have been originally stolen from Jalalabad Museum. The Metropolitan's position is that it is keeping the piece safe, but has not communicated with UNESCO about plans for its return to Afghanistan. Similarly, in chapter 14, Atle Omland criticizes the Schøyen Collection's claim to have 'rescued' Buddhist manuscripts from the Taliban.

Museums that refuse to acquire unprovenanced artefacts and professional organizations and individuals that refuse to study them for fear of supporting the market and stimulating looting are sometimes criticized for wilfully ignoring valuable historical documents, which, it is said, will simply disappear from view. The concept of the safe haven shows this criticism to be unfounded. Unprovenanced material thought to be stolen or illegally-exported from its country of origin can be held in safe storage abroad until such time as it is returned to its country of origin (Siehr's circumstance (iii)). Permission to study the material while it is in storage or after its return can be obtained from the legitimate authorities. The American Schools of Oriental Research have recently advocated this solution for the large numbers of previously unknown cuneiform tablets that are currently appearing on the market. But while this solution might work for material with a known country of origin, the situation as regards material with no known country of origin (Siehr's circumstance (iv)) is still in need of some clarification.

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Printed by BluePrint, Coldhams Road, Cambridge, UK, CB1 3EW.  
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